

AGENDA

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

Tuesday 15 December 2020

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



Ray Brownlee PSM
Chief Executive Officer

OUR VISION

Delivering the highest quality service valued and trusted by our community

OUR VALUES

Trust Teamwork Respect Integrity Service Leadership

**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 15 December 2020
at the Civic Centre, Dee Why
Commencing at 6:00pm**

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- 19.0 CONFIDENTIAL ITEMS RESOLVED BY EXCEPTION**
- 20.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION**

1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

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

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 24 NOVEMBER 2020

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 24 November 2020, 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 22/2020 - ACHIEVEMENTS AT THE 2020 LOCAL GOVERNMENT NATIONAL AWARDS CEREMONY

TRIM FILE REF 2020/714117

ATTACHMENTS NIL

BACKGROUND

Council staff continue to receive recognition for services to the community and their commitment in management and leadership excellence. Just recently, Council was recognised in three areas at the 2020 Local Government National Awards Ceremony held in Canberra.

Councillors may recall at the September meeting I put forward a Minute to recognise the success of our staff at the Local Government Professionals Management Challenge who took out the NSW Regional Final of the 2020 Australasian Management Challenge.

I am now delighted to advise that our staff placed second overall in the National Australasian Challenge. I understand they won the Risk and Live Challenge sections of the competition as well. This is an outstanding achievement and again I want to congratulate all the staff who competed and their mentors for their efforts. As I mentioned previously, staff come from a range of different business areas and it is a big commitment on top of their usual workloads. Our staff walk away from these programs with new insights into management and leadership excellence which our organisation then benefits from as they continue to provide quality services to our community in their respective areas.

Our Community Development team have again received well deserved accolades for our Suicide Prevention Program after receiving a highly commended at the National Awards Ceremony. Only a few weeks ago at our last Council meeting, I mentioned the success of this program at the recent Resilient Australia Awards. This further recognition highlights again the dedication of our staff and our community including our work with NSW Police, health authorities and local service groups to provide this support to those in our local community who are at risk.

Finally, our Waste and Communications teams continue to also be recognised for the *Swap for Good* program reaching the finals at the National Awards. Another great testament to the efforts of our staff for this award winning program encouraging our local businesses to reduce their use of single use plastics. They too were winners taking out recent awards at the Keep Australia Beautiful NSW 2020 Awards event.

While it has been an extraordinary year with the COVID-19 pandemic, bushfires and storms, I believe our staff have shown resilience and flexibility to ensure we continue to provide the best services and facilities to our community. I take great pride putting forward the remarkable achievements of our staff and even more so during this particular year.

I ask Councillors to join me in congratulating our Local Government Management Challenge team, our Community Development staff and our Waste and Communications staff on their recent and very well deserved achievements at the 2020 Local Government National Awards Ceremony.

MOTION

That Council formally acknowledge the outstanding achievements of our Local Government Management Challenge team, our Community Development staff and our Waste and Communications staff on their recent and very well deserved achievements at the 2020 Local Government National Awards Ceremony.



Michael Regan
MAYOR

ITEM 7.2**MAYORAL MINUTE NO 23/2020 - RECOGNITION AT THE
PLANNING INSTITUTE OF AUSTRALIA AWARDS AND THE
IAP2A 2020 AUSTRALIA AWARDS****TRIM FILE REF****2020/767170****ATTACHMENTS****NIL****BACKGROUND**

The NSW Planning Institute of Australia Awards for Planning Excellence (NSW) were held last month and congratulations to our staff on receiving a commendation for the Dee Why Town Centre Urban Renewal project in the 'From Plan to Place' category.

It is great to see Council recognised at these awards which promote and showcase the best in planning at state and national levels. The Planning Institute of Australia advocates for best planning across the country and its goal is to support planners across the country to create a more liveable and sustainable built environment. The 'From Plan to Place' category recognises the implementation of a plan into a successful place and I think we should be very proud of the work that is being done and still yet to be done in the Dee Why Town Centre.

Our Environment team, which was recently recognised at the Keep Australia Beautiful NSW Awards, was once again successful, this time at the International Association for Public Participation Australasia (IAP2A) 2020 Core Values Awards. Our staff received a Highly Commended in the Environment Award category for the Protect. Create. Live Northern Beaches Environment and Climate Change Strategy 2040.

IAP2 Australasia is part of an International Association for Public Participation and works to advance the community engagement profession to achieve effective community and stakeholder engagement. The Core Values Awards build awareness, contribute to practice and organisations recognise organisations for excellence in public participation.

Congratulations to our Strategic and Place Planning and Communications teams and our Environment and Sustainability staff on your recent recognition at the Planning Institute of Australia Awards and the IAP2A Core Values Awards.

MOTION

That Council formally acknowledge the outstanding achievements of our Strategic Place and Planning and Communications teams and our Environment and Sustainability staff on their respective recognition at the recent Planning Institute of Australia Awards and the IAP2A Core Values Awards.



Michael Regan
MAYOR

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	OUTCOME OF EXHIBITION OF COUNCIL EVENT FEE
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT AND COMMUNICATIONS
TRIM FILE REF	2020/676522
ATTACHMENTS	NIL

BRIEF REPORT

PURPOSE

To adopt a new fee for 2020/21 for stalls at large-scale events.

REPORT

At its meeting on 27 October 2020, Council resolved to exhibit a proposed fee for stalls at large-scale events. Taste of Manly and Manly Jazz are examples of large-scale events. The fee was not exhibited as part of the 2020/21 Fees and Charges document.

The draft fees for the above were exhibited for 28 days commencing on Friday 31 October on Council's [community engagement hub](#). Individuals registered to receive updates on fees and charges and were notified of the opportunity to make a submission. Council's community engagement newsletters sent on 9 and 23 November also promoted the exhibition of the proposed fees.

The community engagement page received 37 visits, with 30 unique visitors. Council received two submissions however, the submissions received were for other matters, being the Manly Markets and Oktoberfest. The submission regarding the Manly Markets has been passed on to the Place and Economic Development team, and we replied to the Oktoberfest submission directly.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.

FINANCIAL CONSIDERATIONS

The proposed revenue from the stalls at large-scale events is budgeted in the Operational Plan 2020/21. This particular fee was omitted from the May exhibition of the draft Fees and Charges.

Fee	Unit	\$	GST Applicable
Fee for holding a stall at a large-scale event	Per day	500-6,000*	Yes

* The fee is determined by the cost of the stall infrastructure (e.g. size and type of stall) plus a value on the space provided.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts from the proposed fees.

SOCIAL CONSIDERATIONS

There are no social considerations.

GOVERNANCE AND RISK CONSIDERATIONS

There are no governance and risk considerations in determining the fees. The exhibition period was 28 days as required by section 610 F of the Local Government Act 1993.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council adopt the 2020/21 fee for stalls at large scale events at \$500 - \$6,000 (plus GST) per day.

ITEM 8.2	ALCOHOL PROHIBITED AREAS ON AUSTRALIA DAY 2021
REPORTING MANAGER	CHIEF EXECUTIVE OFFICER
TRIM FILE REF	2020/724145
ATTACHMENTS	1 NSW Police Force - Request for Alcohol Prohibited Areas - Australia Day 2021

SUMMARY

PURPOSE

To establish temporary Alcohol Prohibited Areas (APAs) on the sand areas of all beaches and reserves within the Northern Beaches Local Government Area on Australia Day, 26 January 2021.

EXECUTIVE SUMMARY

The Local Area Command has asked Council to declare the sand areas of all beaches and reserves 'Alcohol Prohibited Areas' for Australia Day, 26 January 2021. The request was made to assist Police in reducing antisocial behaviour brought on by the excessive consumption of alcohol in these areas.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council:

1. Declare temporary Alcohol Prohibited Areas on the sand areas of all beaches and reserves, within the Northern Beaches Local Government Area on Australia Day, 26 January 2021 from 6:00am for a period of 24 hours.
 2. Install temporary signage across the sand areas of all beaches and high usage reserves within the Northern Beaches Local Government Area.
-

REPORT

BACKGROUND

Council received correspondence on 27 November 2020 from the Northern Beaches Police Local Area Commander (attachment 1) requesting the sand area of all beaches and reserves be declared as 'alcohol prohibited areas' for Australia Day, 26 January 2021. The request was made to assist Police in reducing antisocial behaviour brought on by the excessive consumption of alcohol in these areas.

This is the fourth time this request has been made to establish the temporary Alcohol Prohibited Areas (APAs) on both the sand areas of all beaches and reserves. The first time was for Australia Day in 2017.

This request reflects similar requests in previous years from the Local Area Command and comes as a result of previous incidents on Australia Day at Shelly Beach, Manly Wharf, East and West Esplanades, Jump Rock at Little Manly, Fairlight Beach, Freshwater Beach Reserve, Dee Why Beach Reserve, Long Reef Beach Reserve, Collaroy Beach Reserve, Mona Vale Beach Reserve and Newport Beach Reserve.

Approval for APAs must be granted by the Local Area Commander of Police, from whom this request was received.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- Places for People
 - Goal 8 – Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing
 - Goal 9 – Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities
- Community and Belonging
 - Goal 11 – Our community feels safe and supported

FINANCIAL CONSIDERATIONS

Costs associated with the installation of signage to identify the temporary APAs can be accommodated within the 2020/21 operational budget.

SOCIAL CONSIDERATIONS

The introduction of the temporary APAs provide the Local Area Command with regulatory processes with which to manage antisocial behaviour, public disturbances and other alcohol-related incidents.

ENVIRONMENTAL CONSIDERATIONS

It is likely that the introduction of the temporary APAs will result in a reduction of litter and damage.

GOVERNANCE AND RISK CONSIDERATIONS

The introduction of the temporary APAs will be done in accordance with the Local Government Act 1993 and will likely result in a safer environment for the public with reduced risk of instances related to excessive consumption of alcohol.

For Official Use Only



NSW Police Force

27 November 2020

Our Ref: d/2020/1203663

Mr Ray Brownlee
CEO
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Dear Ray,

**Request for Alcohol Prohibited Area – Australia Day 2021
As per Section 632A Local Government Act 1993**

I am writing to seek your assistance to have the sand areas of all beaches, parks and reserves within the Northern Beaches Council declared as 'Alcohol Prohibited Areas' from 6.00 a.m. Sunday 26 January 2021 to 6.00 a.m. Monday 27 January 2021.

This initiative has allowed a positive response to reduce anti-social behaviour which is often brought about with the consumption of alcohol in these areas.

Yours faithfully,



Jill Walters
Acting Superintendent
Commander
NORTHERN BEACHES POLICE AREA COMMAND

TRIPLE ZERO (000)

Emergency only

POLICE ASSISTANCE LINE (131 444)

For non emergencies

CRIME STOPPERS (1800 333 000)

Report crime anonymously

DEE WHY NSW 2099
T 02 9211 3776 for the hearing and speech impaired

For Official Use Only

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1	RATES HARMONISATION
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2020/773847
ATTACHMENTS	<ol style="list-style-type: none"> 1 ➡ Rates Harmonisation Analysis (Included In Attachments Booklet) 2 ➡ Draft Pensioner Rates & Charges Concession Policy (Included In Attachments Booklet) 3 ➡ Draft Rates and Annual Charges Hardship Policy (Included In Attachments Booklet) 4 ➡ Stormwater Management Service Charge Harmonisation Options (Included In Attachments Booklet) 5 ➡ Special Guidelines for New Councils Applying to Harmonise Rates on 1 July 2021 (Included In Attachments Booklet)

SUMMARY

PURPOSE

Northern Beaches Council is required by the NSW Government to harmonise the rating structures of the former Manly, Pittwater and Warringah Councils by 1 July 2021 to provide a more equitable approach to rates collection across the local government area.

The purpose of this report is to explain the complexities of adopting a new rating structure and provide a range of options for Council's consideration to take to the community for consultation.

Four Councillor briefings have occurred to date to ensure a comprehensive understanding of the considerations outlined in this report.

EXECUTIVE SUMMARY

Harmonisation provides a fair and equitable approach to rates collection, ensuring those with the same land value within each category or subcategory across the Northern Beaches Council local government area pay the same for the same level of Council service.

However, the NSW Government requirement presents Council with a difficult challenge. When combined across the new local government area, the share of rates compared with land ownership within each former area is only partly aligned. The former Warringah area is contributing a higher income percentage as a proportion of land values with the former Pittwater area next and the former Manly area contributing the lowest income percentage as a proportion of land values.

Inevitably, the rates harmonisation process will result in variations in rates for some ratepayers as we align the rating structures of the former councils.

Considerations

Extensive modelling was prepared to analyse the impact of different rates structure scenarios, considering:

- the need to develop an equitable rating structure that distributes rates fairly across the new Local Government Area
- the need to reduce the extent of a sudden, unexpected impact for the majority of ratepayers

- the benefits model – Council's costs for the provision of services that proportionally benefit each category of ratepayer
- the ability to pay model - based on the current level of rates that are paid by each category of ratepayer
- the State Government rates harmonisation deadline of 1 July 2021
- maintenance of the rates yield forecast in accordance with the long term financial plan.

Note, rates harmonisation redistributes rates to develop a uniform rating structure and does not result in an increase in Council's overall rates income outside the Rate Peg.

Rating Structure

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 process we also considered the implementation of a base rate and ad valorem rate structure. This structure resulted in significantly greater impacts on ratepayers and as such did not provide alignment with the key considerations as outlined above.

Accordingly, it is proposed that under a harmonised rating structure Northern Beaches Council rate assessments will be based upon property valuations (ad valorem) but with minimum rates applying where appropriate.

Modelling was undertaken to consider various scenarios 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.

This report explains the modelling undertaken and provides a number of scenarios for consideration.

Scenarios - Residential

Four scenarios were narrowed down for detailed consideration using a range of minimum rates of the former council areas and a weighted average minimum rate.

Scenario 4 is recommended as the residential rating approach, based on a weighted average minimum rate. This scenario results in 76% of ratepayers experiencing a rate reduction. Scenario 4 has the least change in numbers paying the minimum rate and as such minimises the redistribution of the overall rate burden to minimum ratepayers who may also have the least capacity to pay a higher share of the rate burden.

Scenarios – Ordinary Business

Four scenarios were narrowed down for detailed consideration using a range of minimum rates of the former council areas and a weighted average minimum rate.

When considering business rates modelling, Scenario 4 is recommended, based on a weighted average minimum rate. This scenario results in 62% of business ratepayers receiving a reduction in rates. This scenario also has a minor change in numbers paying the minimum rate and as such minimises the redistribution of the overall rate burden to minimum ratepayers who may also have the least capacity to pay a higher share of the rate burden.

Gradual Harmonisation and Setting the Minimum Rate

The Mayor and CEO have been actively working with the Minister for Local Government, and the Office of Local Government, advocating for the introduction of a gradual harmonisation process, via a 10% annual cap on rates increases resulting from harmonisation (excluding the rate peg and revaluation adjustments).

We understand that the draft legislation regarding gradual harmonisation is currently being finalised and is expected to be released in the coming weeks.

We have also been advised by the Office of Local Government that a new temporary, alternative pathway for the harmonisation of minimum rates has been made available to amalgamated councils for determination through the Department of Planning, Industry and Environment. This measure has been taken to assist new councils to harmonise their minimum ordinary rates.

A new council is only eligible to apply under this temporary, alternative pathway if it seeks to set a harmonised minimum rate for ordinary rates across its new council area that is higher than the current statutory limit of \$554 but is no higher than the highest minimum rate of any one of the former councils or part of a former council area that was previously approved by IPART (plus the 2021-22 rate peg).

The Office of Local Government has issued Special Guidelines for new councils applying to harmonise minimum rates on 1 July 2021. Councils seeking to utilise the provisions outlined in these Special Guidelines are required to submit their applications and supporting documentation directly to Office of Local Government by no later than 26 February 2021. Council intends to request an extension to this deadline to facilitate a longer community consultation period. Applications must be in writing and must include 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 area.

Hardship Policy

A revised Rates and Annual Charges Hardship Policy has been prepared for exhibition which has been reviewed and amended in order to ensure ongoing compliance with legislative requirements and with the Office of Local Government's Debt Management and Hardship Guidelines. It enables Council to provide appropriate hardship assistance to ratepayers suffering genuine financial hardship due to a variety of different circumstances, including rates harmonisation.

Pensioner Concessions

Eligible pensioners are currently granted differing voluntary concessions under policies of the former Manly, Pittwater or Warringah Councils. It is proposed to replace the existing pensioner concession 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 Council areas.

This will require the adoption of a uniform Pensioner Rates & Charges Concession Policy which is proposed for exhibition. This would see the extension of the \$150 Rates Voluntary Concession to all eligible pensioners and the extension of the Domestic Waste concession to former Manly and Pittwater Local Government Areas. For eligible pensioners in the former Manly Local Government Area these concessions would replace the existing Manly Environmental Levy concession. The net cost of extending the policy is approximately \$188,951.

Stormwater Management Services Charge

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

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.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

1. Approves 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 this report.
 2. Approves community consultation for the implementation of a Northern Beaches Stormwater Management Services Charge as outlined in this report.
 3. Continues to advocate for legislative change to facilitate the gradual harmonisation of rates.
 4. Approves community consultation of the draft Pensioner Rates & Charges Concession Policy and the revised Rates and Annual Charges Hardship Policy as outlined in this report.
-

REPORT

BACKGROUND

Northern Beaches Council is required to harmonise the rating structures of the former Manly, Pittwater and Warringah Councils by 1 July 2021. The purpose of this report is to explain the issues that need to be considered and addressed by Council in adopting a new rating structure.

The Local Government (Council Amalgamations) Proclamation 2016 (under paragraph 25 Rating structure and categorisation of land for rating purposes sub-paragraph 6), required the rating structure to be reviewed within the first term of the new council following the first election of the council. The NSW Government subsequently amended the Local Government Act 1993 which allowed the Minister to require that the former councils rating structures stay in place for 4 rating years, from 1 July 2016 to 30 June 2020. The NSW Government subsequently amended the Local Government Act 1993 to provide for an additional year for amalgamated councils to harmonise rates by 1 July 2021.

In implementing the rate path freeze policy, Northern Beaches Council was firstly required to consider the general income of each former council area in 2016 when the amalgamation occurred. The general income for each of the former councils was then adjusted annually by the following external factors:

1. The rate peg or any special variation that has been approved for a former Council.
2. The expiry of any temporary special variations that apply to a former Council.

The following rate increases have applied to each of the former council areas since amalgamation:

Former Manly Council	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Rate Peg	1.8%	1.5%	2.3%	2.7%	2.6%	10.9%
Less: Expiring Special Rate Variation	-	(2.02%)	-	-	-	(2.02%)
Total	1.8%	(0.52%)	2.3%	2.7%	2.6%	8.88%

Former Pittwater Council	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Rate Peg	1.8%	1.5%	2.3%	2.7%	2.6%	10.9%
Special Rate Variation	-	-	-	-	-	-
Total	1.8%	1.5%	2.3%	2.7%	2.6%	10.9%

Former Warringah Council	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Rate Peg	1.8%	1.5%	2.3%	2.7%	2.6%	10.9%
Add: Approved Special Rate Variation	1.2%	7.9%	-	-	-	9.1%
Total	3.0%	9.4%	2.3%	2.7%	2.6%	20.0%

As with changes in general land revaluations, 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 LGAs due to differences both in land valuations and in the rating structures of the former LGAs.

The Local Government Act 1993 currently does not allow an amalgamated council to progressively harmonise their rates over more than one year. As such it does not recognise the significant dollar differential that may exist in property valuations and therefore the rates to be paid by ratepayers across former council areas as a result of harmonisation.

The legislation also does not make provision for council to reasonably afford compassion to those ratepayers who will be most affected by a significant change in the amount of rates they are required to pay as a result of harmonisation.

Council is advocating on behalf of our community to amend the legislation to allow a transitional period for implementing these changes.

The following Revenue Policy considerations should be taken into account in harmonising the Rates and the development of a new Rating Structure.

Taxation Principles

Council's rating structure determines the share of rates contributed by each category and subcategory of ratepayer. It does not change the total amount of rates income that is levied and as such, a reduction provided to any category must be borne by an increase to ratepayers in other categories.

In the 2008–09 Budget the Australian Government announced a comprehensive 'root and branch' review of Australia's tax system. The aim was to create a tax structure that will position Australia to deal with its social, economic and environmental challenges and enhance economic, social and environmental wellbeing. The Panel conducting the review was chaired by Dr Ken Henry AC, (Secretary to the Treasury) and the report produced is commonly known as the Henry Report. This report noted that raising revenue should be done to do least harm to economic efficiency, provide equity (horizontal, vertical and intergenerational), and minimise complexity for taxpayers and the community.

The following key taxation principles have been explored in further detail in Attachment 1 to this report "Rates Harmonisation Analysis":

- Efficiency
 - Benefits Principle
 - Taxes should minimise changes in behaviour
- Equity
 - Ability to pay - Ability to pay has two components.
 - The horizontal equity principle requires people of equal capacity to pay the same amount of tax.
 - The vertical equity principle requires people who are better off to pay more tax than those who are worse off, so the burden of tax is proportional to the taxpayer's means.
 - Intergenerational equity - Taxes should also be equitable over time. This means the current generation of ratepayers should not pay the total costs of services that also benefit future generations (and vice versa).
- Simplicity

Rating and Financial Principles

Rates are calculated on land values. The distribution of rates within categories/subcategories is based on the proportionate distribution of land values for the properties in the same category/subcategory.

For rates purposes, land valuations are calculated every 3 years by the NSW Valuer General. The total rates income pool (yield) isn't affected by the revaluation, but individual property rates can be

affected to a small or large extent because of disproportionate value changes across large and disparate areas.

The latest land revaluation took effect on Council's rating structure on 1 July 2020 with the application of the 2019 valuations.

The levying by local government of rates, based on property values has been the principal means of financing local government in Australia throughout this century. Local government is the level of government routinely providing public services which retain or enhance the value of private property (such as local roads, garbage disposal, parks, footpaths).

Thus, the "fairness" or "appropriateness" of rates may be considered in the light of these two criteria:

- The extent to which those who receive the benefits of council's services also pay for those services - the benefits principle.
- The extent to which those who pay for council's services have the ability to pay for those services - the ability to pay principle.

It goes without saying that a rate which is fair when judged by the benefit principle may not be fair according to the ability to pay principle, and vice versa.

Funding Sources

Section 491 of the Local Government Act 1993 (the Act) sets out the main sources of a council's income. They are as follows:

- Rates
- Charges
- Fees
- Grants
- Borrowings
- Investment.

Types of rates - Section 492 of the Act provides that rates are of 2 types:

- Ordinary rates
- Special rates.

The ordinary rate - By virtue of section 494 of the Act, a council is required to make and levy an ordinary rate for each year on all rateable land in its area. This is a mandatory requirement.

The special rate - Council has a discretion whether to make a special rate.

Legislative Framework - Local Government Act 1993

The legislative framework for setting rates and designing rating structures is set out in the Local Government Act 1993. Growth in Council's overall rates income is restricted by the rate pegging limit or special rate variation percentage as approved by IPART.

Council sets the rating structure to determine how to distribute the rates between categories and subcategories of ratepayers and has the option to charge ordinary rates and special rates within its total allowable rates income.

A rate, whether ordinary or special, may consist of:

- An ad valorem amount (which may be subject to a minimum amount)
- A base amount to which an ad valorem amount is added.

Revenue Policy

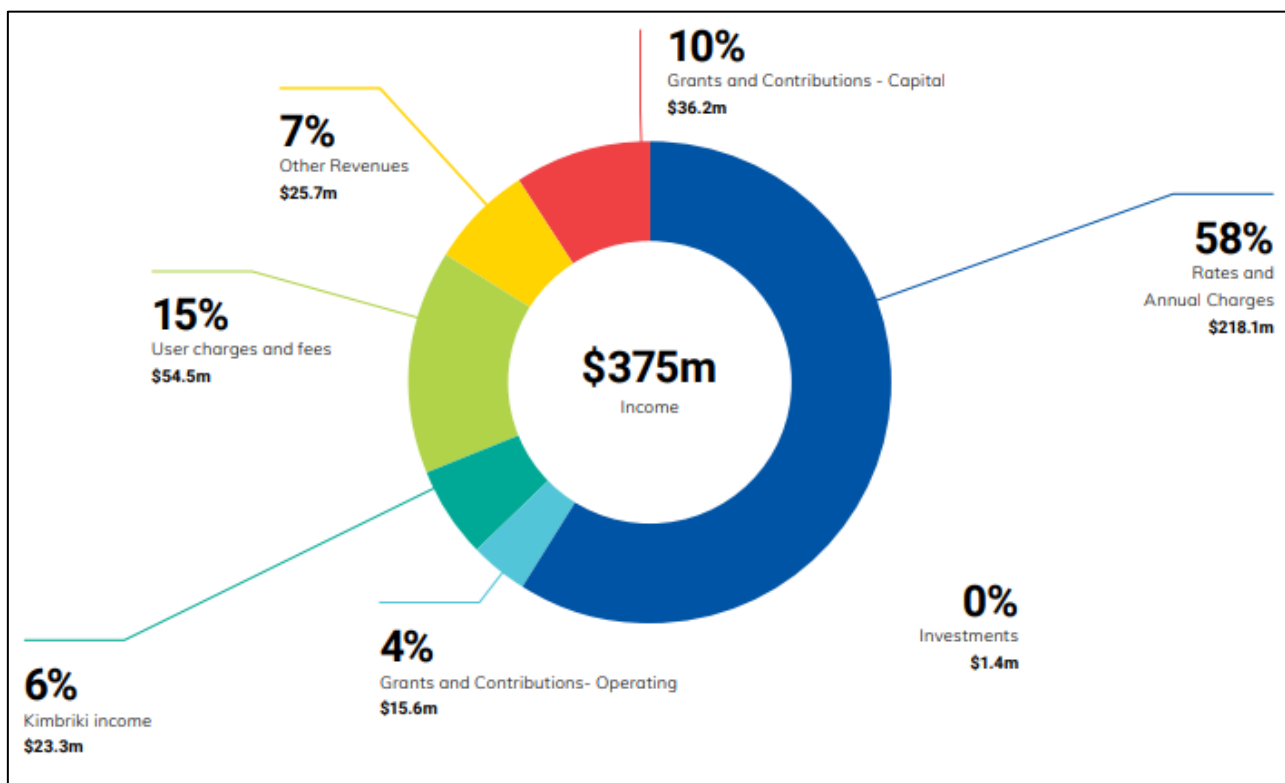
It is a requirement of Section 405 of the NSW Local Government Act 1993 for a Council to have a statement of Council's Revenue Policy each year.

At the expiry of the 'rates freeze period' (30 June 2021) all councils are required to have rates and revenue policies that comply with the Local Government Act. This requires the preparation of one rating structure to cover the new local government area.

The objectives of the Revenue Policy are:

- To meet statutory requirements
- To establish the total revenue required to fund Councils' activities within budgetary constraints
- To identify the revenue sources available to Council.

The existing breakdown of the components of Council's revenue is shown in the following Funding Summary from Council's Operational Plan and Budget 2020/21.



Council's rating structure is a fundamental component of Council's broader revenue policy. Rates must be harmonised on 1 July 2021. To date Council has:

- progressively harmonised User Fees and Charges since amalgamation; and
- progressively harmonised Domestic Waste Management Services Charges with full harmonisation being completed by 1 July 2019.

The following tables show the impact of rate changes and the harmonisation of Domestic Waste Management Services Charges since amalgamation.

Residential Rates Notice movement (minimum rate) 2015/16 – 2020/21

Former Manly					Former Pittwater				Former Warringah			
	Rates	Domestic Waste Charge	Storm-water Charge	Total Rates & Charges Notice	Rates	Domestic Waste Charge	Storm-water Charge	Total Rates & Charges Notice	Rates	Domestic Waste Charge	Storm-water Charge	Total Rates & Charges Notice
2015/16	788.00	640.00	12.50	1,440.50	836.86	580.00	12.50	1,429.36	842.29	364.00	0.00	1,206.29
2016/17	798.40	660.00	12.50	1,470.90	851.92	598.00	12.50	1,462.42	867.55	382.00	0.00	1,249.55
2017/18	802.20	630.00	12.50	1,444.70	864.70	609.00	12.50	1,486.20	949.10	389.00	0.00	1,338.10
2018/19	816.76	536.00	12.50	1,365.26	884.58	518.00	12.50	1,415.08	970.93	389.00	0.00	1,359.93
2019/20	838.81	405.00	12.50	1,256.31	908.30	405.00	12.50	1,325.80	997.02	405.00	0.00	1,402.02
2020/21	860.62	446.00	12.50	1,319.12	931.92	446.00	12.50	1,390.42	1,022.94	446.00	0.00	1,468.94
Total Increase/Decrease	9.2%	(30.3%)	0.0%	(8.4%)	11.4%	(23.1%)	0.0%	(2.7%)	21.4%	22.5%	0.0%	21.8%
Average Increase/Decrease	1.8%	(6.1%)	0.0%	(1.7%)	2.3%	(4.6%)	0.0%	(0.5%)	4.3%	4.5%	0.0%	4.4%

Residential Rates Notice movement (average rate) 2015/16 – 2020/21

Former Manly					Former Pittwater				Former Warringah			
	Rates	Domestic Waste Charge	Storm-water Charge	Total Rates & Charges Notice	Rates	Domestic Waste Charge	Storm-water Charge	Total Rates & Charges Notice	Rates	Domestic Waste Charge	Storm-water Charge	Total Rates & Charges Notice
2015/16	1,288.91	640.00	25.00	1,953.91	1,520.53	580.00	25.00	2,125.53	1,205.00	364.00	0.00	1,569.00
2016/17	1,312.11	660.00	25.00	1,997.11	1,547.90	598.00	25.00	2,170.90	1,241.15	382.00	0.00	1,623.15
2017/18	1,305.55	630.00	25.00	1,960.55	1,571.12	609.00	25.00	2,205.12	1,357.82	389.00	0.00	1,746.82
2018/19	1,335.58	536.00	25.00	1,896.58	1,607.25	518.00	25.00	2,150.25	1,389.05	389.00	0.00	1,778.05
2019/20	1,371.64	405.00	25.00	1,801.64	1,650.65	405.00	25.00	2,080.65	1,426.55	405.00	0.00	1,831.55
2020/21	1,396.68	446.00	25.00	1,867.68	1,677.21	446.00	25.00	2,148.21	1,451.97	446.00	0.00	1,897.97
Total Increase/Decrease	8.4%	(30.3%)	0.0%	(4.4%)	10.3%	(23.1%)	0.0%	1.1%	20.5%	22.5%	0.0%	21.0%
Average Increase/Decrease	1.7%	(6.1%)	0.0%	(0.9%)	2.1%	(4.6%)	0.0%	0.2%	4.1%	4.5%	0.0%	4.2%

Rating Income

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%).

In accordance with the Local Government (Council Amalgamations) Proclamation 2016 and the Local Government Amendment Bill 2019 the current rate structure including categories and sub-categories of the former Manly, Pittwater and Warringah Local Government Areas (LGAs) have been maintained in 2020/21. For all former LGAs, rate assessments are based entirely upon property valuations (ad valorem) but with minimum rates applying where appropriate. Rates for 2020/21 were assessed on land values having a date of 1 July 2019.

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. As such, rates for individual ratepayers may vary by more or less than the percentage allowable, depending on how an individual ratepayers' land valuation has changed in a particular year compared to the land values of other ratepayers.

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 considerable variability to rates for individual ratepayers.

Likewise, harmonisation of rates can also result in considerable and significant impacts on ratepayers, particularly on ad valorem ratepayers depending on the size of the difference between the ad valorem rate of the former local government area compared to the proposed harmonised ad valorem rate.

Differences in Sources of Rating Income

2020/21 Rating Income Summary for the Northern Beaches Council LGA

	Total Rates Income (\$m)			Rates Income (%)		
	Manly	Pittwater	Warringah	Manly	Pittwater	Warringah
<u>Residential</u>						
Ordinary Rates	24,726,790	39,520,070	78,979,984	17.3%	27.6%	55.1%
<u>Business</u>						
Ordinary Rates	5,594,303	4,778,653	18,186,859	19.6%	16.7%	63.7%
<u>Business Special Rates</u>						
Manly Business Centre Improvement	1,275,063	-	-			
Balgowlah Business Centre Improvement	88,127	-	-			
	1,363,190	-	-			
Total Business	6,957,493	4,778,653	18,186,859	22.0%	10.8%	18.7%
Farmland	-	15,093	-		100.00%	
Total	31,684,283	44,313,816	97,166,843	18.3%	25.6%	56.1%

The above table highlights that only the former Manly Local Government Area collects special rates for Business Centre Improvement. This is an obvious difference in the funding structure between the 3 former Councils. Only the former Pittwater Local Government Area collects rates from the farmland category, however the income from the farmland category is not a significant component of total rates income.

The other noticeable difference is the proportion of revenue collected by residential rates versus business rates across the three former Councils. In the former Manly Council, businesses pay 22% of the \$31.68 million in rates collected, compared to 10.8% of the \$44.31 million in rates collected in the former Pittwater Council and 18.7% of the \$97.16 million in rates collected in the former Warringah Council.

Current Rating Structures

Introduction

As a result of the requirement to merge its revenue policy, Northern Beaches Council is required to revisit the principles in setting a fair and equitable rating structure across the new local government area. In doing so, Council has the difficult challenge of attempting to minimise the number of assessments that experience large and sudden changes because of harmonising the three current rating structures.

When combined across the new local government area, the share of rates burden compared with land ownership within each former area is only partly aligned. The former Warringah area is

contributing a higher income percentage as a proportion of land values with the former Pittwater area next and the former Manly area contributing the lowest income percentage as a proportion of land values.

The following tables summarise and analyse the current rating structures for Northern Beaches Council and the former Manly, Pittwater and Warringah Local Government Area's (LGA's) for the 2020/21 financial year:

2020/21 Rating Structure for the former Manly LGA

Type	Category/subcategory	Number	Ad valorem rate	Minimum \$	Rate Income \$
Ordinary	Residential	17,704	0.122489	860.62	24,726,790
Ordinary	Business – Manly CBD	628	0.554388	1,123.74	3,862,223
Ordinary	Business - Other	514	0.297311	1,123.74	1,732,080
Special	Manly Business Centre Improvement	628	0.188953		1,275,063
Special	Balgowlah Business Centre Improvement	84	0.118074		88,127
		19,558			31,684,283

2020/21 Rating Structure for the former Pittwater LGA

Type	Category/subcategory	Number	Ad valorem rate	Minimum \$	Rate Income \$
Ordinary	Residential	23,563	0.159125	931.92	39,520,070
Ordinary	Business	1,897	0.341180	1,189.82	4,681,080
Ordinary	Business – Warriewood Square	1	0.375280		97,573
Ordinary	Farmland	7	0.054932	931.92	15,093
		25,468			44,313,816

2020/21 Rating Structure for the former Warringah LGA

Type	Category/subcategory	Number	Ad valorem rate	Minimum \$	Rate Income \$
Ordinary	Residential	54,395	0.163768	1,022.94	78,979,984
Ordinary	Business	3,982	0.470670	1,313.33	17,131,772
Ordinary	Business – Warringah Mall	1	0.780102		858,112
Ordinary	Ordinary Business – Strata Storage Units	327	0.442242	602.37	196,975
		58,705			97,166,843

Comparison of Current Rating Structures and Contributions

Within the three current rating structures, the relative rate contributions from residential, business and farmland ratepayers are different.

The following table provides a snapshot of the three existing rating structures, illustrating the historic determinations of the former councils to share the rates burden between the four rating categories.

Category	Number of Assessments	Land Value %	Rates %
Manly			
Residential	17,704	93.47%	78.04%
Business	1,854	6.53%	21.96%
Sub-total	19,558	100.00%	100.00%
Pittwater			
Residential	23,563	95.18%	89.18%
Business	1,898	4.71%	10.78%
Farmland	7	0.11%	0.03%
Sub-total	25,468	100.00%	100.00%
Warringah			
Residential	54,395	92.30%	81.28%
Business	4,310	7.70%	18.72%
Sub-total	58,705	100.00%	100.00%
Northern Beaches			
Residential	95,662	93.35%	82.71%
Business	8,062	6.62%	17.28%
Farmland	7	0.03%	0.01%
Total	103,731	100.00%	100.00%

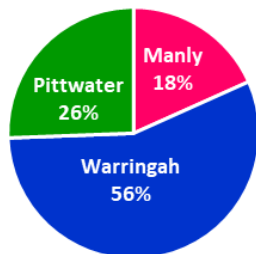
Comparison of Rates Income and Land Valuations by former LGA

When combined across the new local government area, the share of rates burden compared with land ownership within each former area is only partly aligned. The former Warringah area is contributing a higher income percentage as a proportion of land values with the former Pittwater area next and the former Manly area contributing the lowest income percentage as a proportion of land values.

Total Rates Income 2020/21 - By Former LGA				
	Manly	Warringah	Pittwater	Total
Rates	31,684,283	97,166,843	44,313,816	173,164,941
%	18%	56%	26%	100%

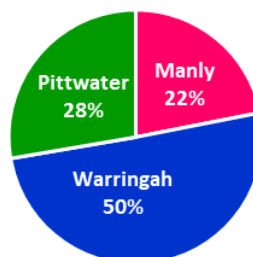
Land Value at 30 June 2020 - By Former LGA				
	Manly	Warringah	Pittwater	Total
Land Value	19,242,404,705	44,222,544,392	24,306,599,239	87,771,548,335
%	22%	50%	28%	100%

**Northern Beaches Council - Rates Income
2020/21 - By Former LGA**



■ Manly ■ Warringah ■ Pittwater

**Northern Beaches Council - Land Value
By Former LGA at 30 June 2020**



■ Manly ■ Warringah ■ Pittwater

Comparison of Rates Income and Land Valuations by Category by former LGA

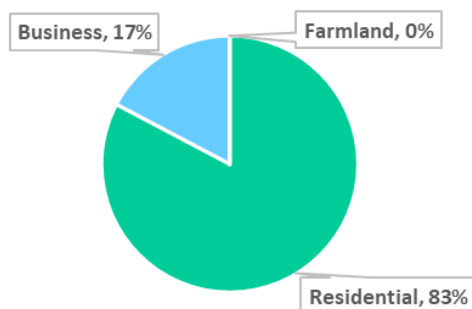
Within each of the current rating structures, the former councils have followed different philosophies for categorisation with the current rating structures incorporating different levels of contribution from the business, residential and farmland rating categories.

When combined, as shown below, the total rates contribution from residential ratepayers is 83%, business ratepayers contribute 17%, while farmland contributed less than 1%.

Northern Beaches Council - Rates Income 2020/21 By Category				
	Residential	Business	Farmland	Total
Rates Revenue	143,226,844	29,923,004	15,093	173,164,941
%	83%	17%	0%	100%

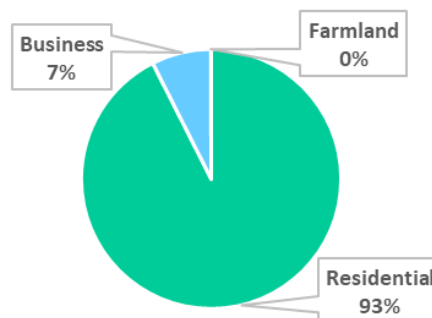
Northern Beaches Council - Land Value at 30 June 2020 By Category				
	Residential	Business	Farmland	Total
Land Value	81,237,315,126	6,507,073,209	27,160,000	87,771,548,335
%	93%	7%	0%	100%

**Northern Beaches Council - Rates Income
2020/21 - By Category**



■ Residential ■ Business ■ Farmland

**Northern Beaches Council - Land Value By
Category at 30 June 2020**



■ Residential ■ Business ■ Farmland

Residential Rates

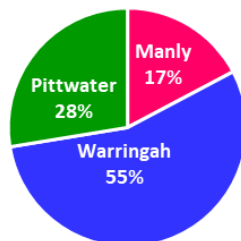
Comparison of Residential Rates Income and Land Valuations by former LGA

Whilst the land value of the former Warringah residential ratepayers represents 50% of Northern Beaches Councils total residential land values, the former Warringah residents contribute 55% of residential rates income. The land values for former Manly residents represent 21% of total land value, however former Manly residents only contribute 17% of residential rates income.

Residential Rates Income 2020/21 - By Former LGA				
	Manly	Warringah	Pittwater	Total
Rates Income	24,726,790	78,979,984	39,520,070	143,226,844
%	17%	55%	28%	100%

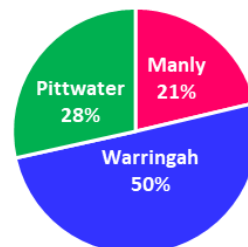
Residential Land Values at 30 June 2020 - By Former LGA				
	Manly	Warringah	Pittwater	Total
Land Value	17,285,582,484	40,817,849,935	23,133,882,707	81,237,315,126
%	21%	50%	28%	100%

Northern Beaches Council - Residential Rates
By Former LGA - 2020/21



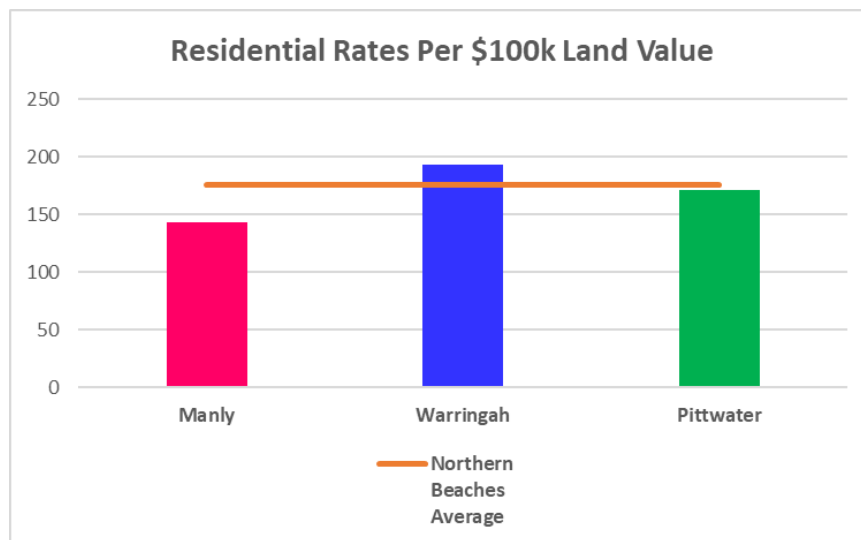
■ Manly ■ Warringah ■ Pittwater

Northern Beaches Council - Residential Land
Values By Former LGA 30 June 2020



■ Manly ■ Warringah ■ Pittwater

Average Residential rates per \$100,000 land value

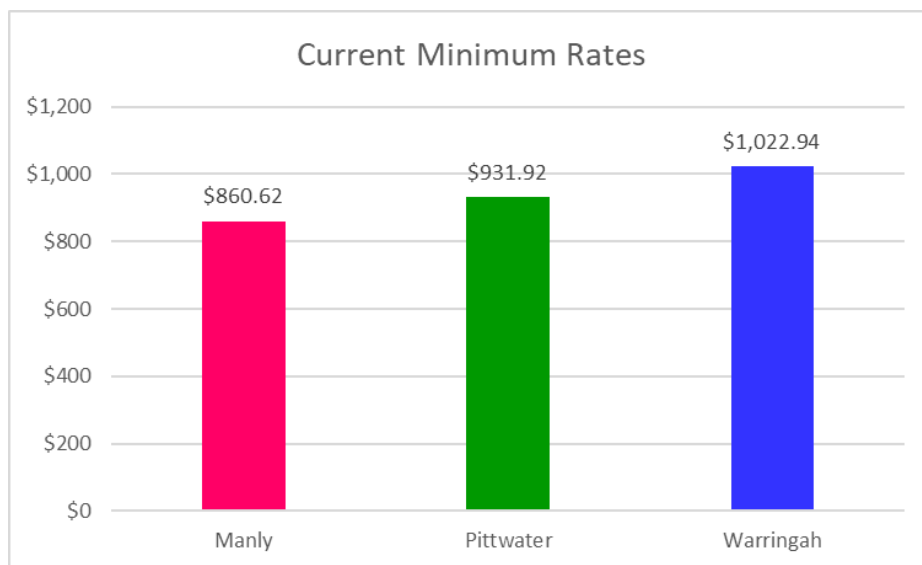


The above chart demonstrates the differences in average residential rates per \$100,000 of land value between the three former LGAs and in relation to the average for Northern Beaches Council with former Warringah residents contributing more than the Northern Beaches Council Average and the residents of the former Manly and Pittwater LGAs contributing less than the average.

Current Minimum Residential Rates (Before COVID-19 Subsidy)

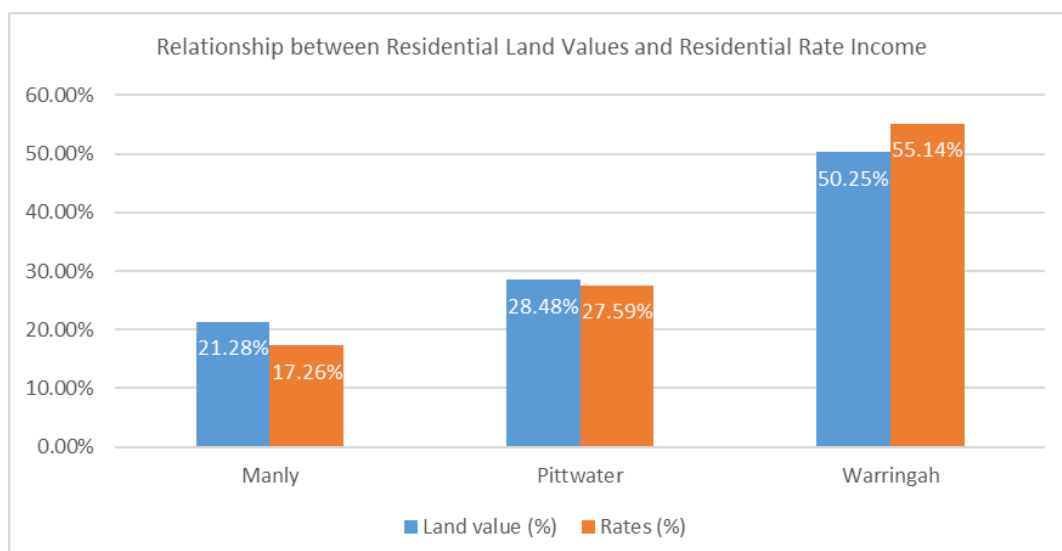
Shown in the table below is a comparison of the minimum residential rates applied across the three former Local Government Area's for the 2020/21 financial year:

2020/21	Manly	Pittwater	Warringah
Minimum Rate	860.62	931.92	1,022.94



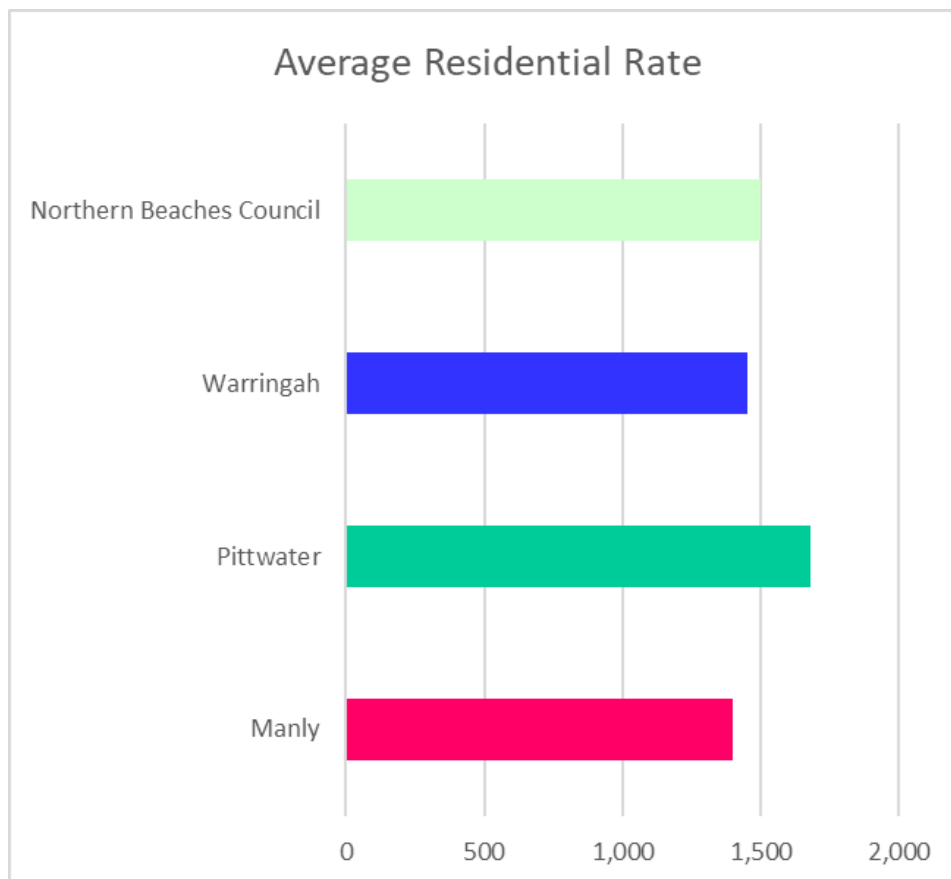
Currently, the minimum rate for residential ratepayers from the former Manly Council is \$860.62, compared to \$931.92 for residential ratepayers from the former Pittwater Council a difference of \$71.30 (8%) and \$1,022.94 for residential ratepayers from the former Warringah Council a difference of \$162.32 (19%).

Comparison of Average Rates



The table and graph below compares the average residential rates under the current rating structures. The former Manly average residential rate of \$1,397 and the former Warringah average residential rate of \$1,452 are both lower than the Northern Beaches Council average of \$1,497, whereas the former Pittwater average residential rate of \$1,677 is higher.

	Manly	Pittwater	Warringah	Northern Beaches Council
Average Residential Rate	1,397	1,677	1,452	1,497



Business Rates

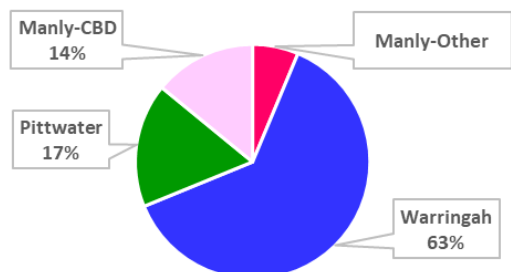
Comparison of Ordinary Business Rates Income and Land Valuations by former LGA

Whilst the land values for ratepayers paying the ordinary business rate in the former Warringah LGA represent 59% of the total land valuations for the ordinary business category, the former Warringah business ratepayers contribute 63% of ordinary business rates income.

Ordinary Business Rates Income 2020/21 - By Former LGA					
	Manly-Other	Warringah	Pittwater	Manly-CBD	Total
Rates Income	1,732,080	17,131,772	4,681,080	3,862,223	27,407,154
%	6%	63%	17%	14%	100%

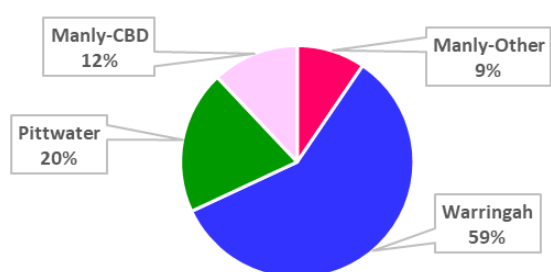
Land Values Ordinary Business Rates 2020/21 - By Former LGA					
	Manly-Other	Warringah	Pittwater	Manly-CBD	Total
Land value	532,576,460	3,286,704,678	1,119,556,532	674,804,186	5,613,641,856
%	9%	59%	20%	12%	100%

Northern Beaches Council - Ordinary Business Rates - 2020/21



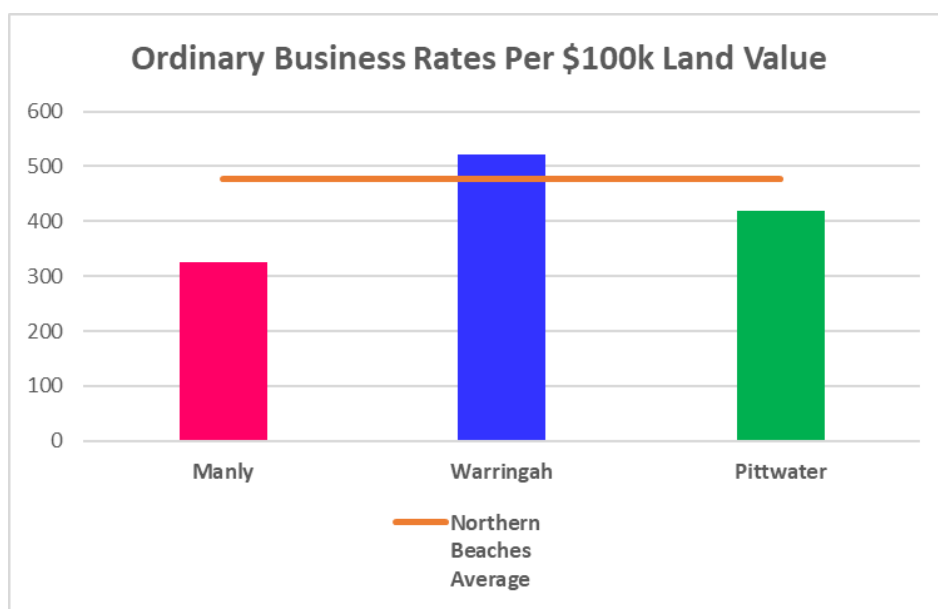
■ Manly-Other ■ Warringah ■ Pittwater ■ Manly-CBD

Northern Beaches Council - Ordinary Business Land Values - 2020/21



■ Manly-Other ■ Warringah ■ Pittwater ■ Manly-CBD

Average Ordinary Business Rates per \$100,000 land value



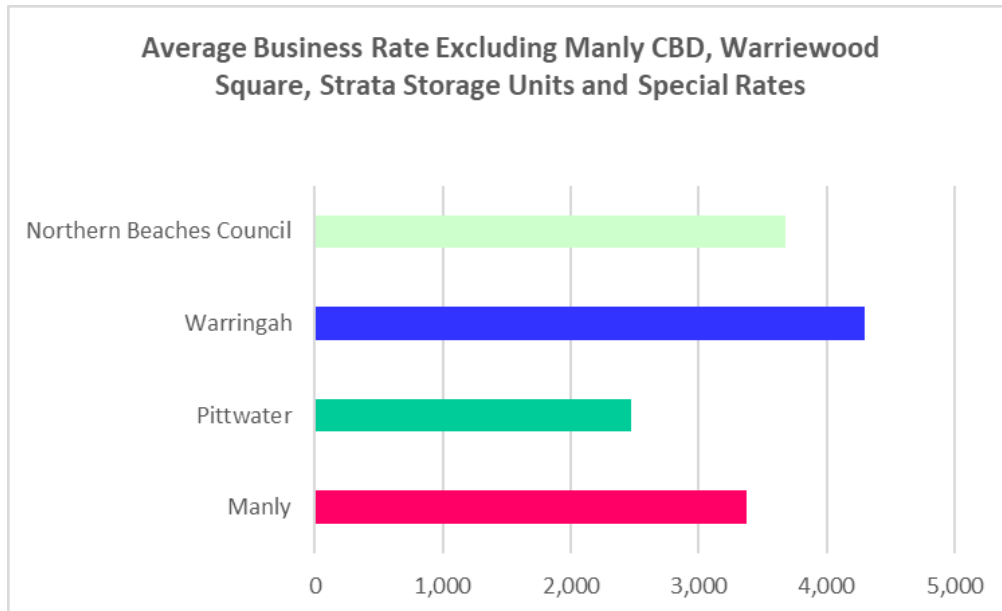
The above chart demonstrates the differences in average ordinary business rates per \$100,000 of land value between the three former LGAs and in relation to the average for Northern Beaches Council with former Warringah business ratepayers contributing more than the Northern Beaches Council Average and the residents of the former Manly and Pittwater LGAs contributing less than the average.

Average Ordinary Business Rate

The table below shows the average ordinary business rate for the former areas compared to the Northern Beaches Council average. The average ordinary business rate for Warringah ratepayers is higher than the Northern Beaches Council average and both Manly and Pittwater are below the Northern Beaches Council average.

	Manly	Pittwater	Warringah	Northern Beaches Council
Average Business Rate*	3,370	2,468	4,302	3,683
*Excluding Subcategories (Manly CBD, Warriewood Square, Warringah Mall, Strata Storage Units and Special Rates)				

The following graph compares the average general business rate assessments between the current rating structures. The Northern Beaches average ordinary business rate is \$3,683 and there are 3,982 business assessments in the former Warringah area paying a higher average of \$4,302 while in the former Manly area there are 514 business assessments paying a lower average of \$3,370 and in the former Pittwater area there are 1,897 business assessments paying a lower average of \$2,468.



Rating Categories – Other Considerations

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 2017 Hawkesbury removed their Rural Residential Rating Sub-Category due to “issues with the administration and outcomes derived”. 4,406 properties were impacted with most experiencing an increase in Rates.
- Penrith City Council has considered the application of a Rural Residential Rating Sub-Category and rejected it for the following reason:

“The option of using a different rate for rural residential properties restricts eligibility depending on the size and occupation of the land with less than half of rural properties owners actually being eligible. This means that a majority of rural owners would experience an increase that would fund the discount for the eligible rural owners. Under the current rules, Council believes that this option is not viable or equitable.”

In Duffys Forest and Terrey Hills there are 331 ratepayers in the RU4 zone and only 92 would meet eligibility in terms of the size of their properties. Therefore, adjoining properties may have differences in the rating structure in relation to categorisation and the ad valorem rate applied.

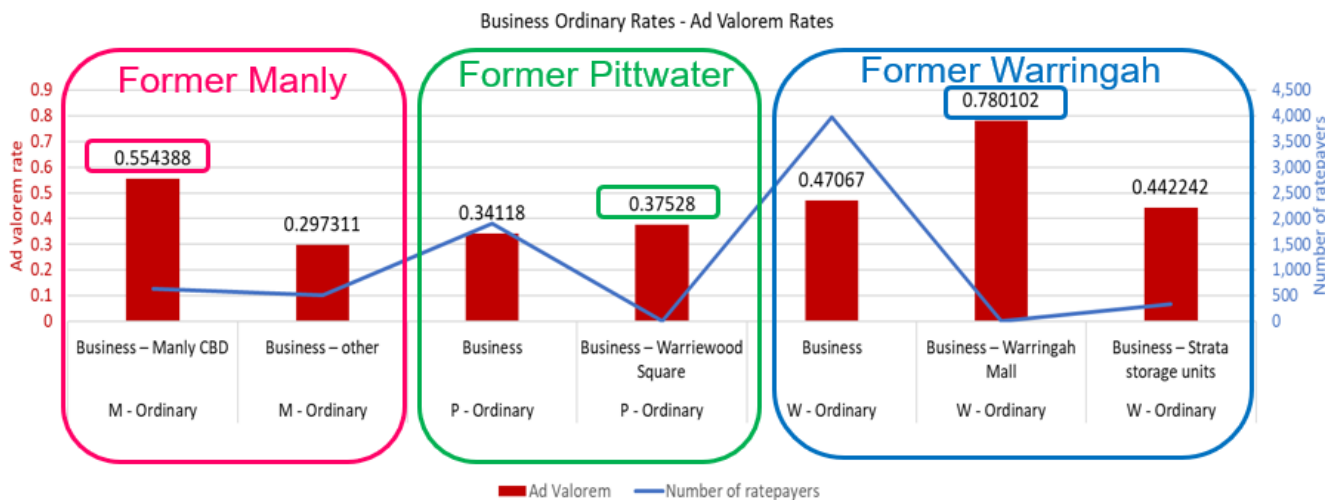
Based on the above, this would result in a level of rating inequity amongst rural residential property owners and is therefore not recommended.

Business Rates – Shopping Centres

Northern Beaches Council currently has the following shopping centres as sub-categories of the business rate which were part of the rating structures of the former Councils.

- Warringah Mall - former Warringah sub-category
- Warriewood Square - former Pittwater sub-category
- Manly CBD – former Manly sub-category (+ Special Improvement Rate)

2020/21 Rates – Large Shopping Centres



IPART note in their Final Report on the Review of the Local Government Rating System - December 2016 that a number of metropolitan councils are attempting to replicate the demand and use of council services from individual businesses through targeted differential rating and that they do this by defining small areas or single shopping centres as a separate subcategory or business 'centre of activity'.

While IPART also notes that multi-floor shopping centre generate a higher demand on council services relative to a single storey set of shops, this is also the case for other high intensity shopping and business districts such as the Manly CBD.

Manly Central Business District

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.

There is both a business sub-category for this precinct and a special rate the uses of which include the provision of ongoing and proposed capital and maintenance works.

Manly CBD Ordinary Rates and Special Rates 2020/21	
Number of properties	628 properties
Manly CBD Ordinary Rate	\$3,862,223 (86% higher than Manly ordinary business rate)
Manly CBD Improvement Special Rate	\$1,275,063

The differential rating applied to these business sub-categories is recommended to be retained, with annual assessment to ensure that the rates levied reflect the demand and use of council services and fairness and appropriateness of the rates in terms of the benefits principle and the ability to pay principle.

We are proposing to maintain the existing basis for determining the amount of rates levied as part of the harmonisation process for Manly CBD, Warringah Mall and strata storage units.

However we are proposing to establish a rate for the Warriewood Square business sub-category that is the greater of their existing rate under the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year) or 10% more than the ad valorem rate for the ordinary business rating category (plus the IPART rate peg as determined for the 2021/22 financial year).

Northern Beaches socio-economic analysis and rates affordability

The community's capacity and willingness to pay rates is an important consideration when determining a rating structure, with the majority of Council's income raised through rates and annual charges. Attachment 1 to this report includes a socio-economic analysis and rates affordability paper to assist in undertaking this assessment. Key information includes:

- 67% of households are purchasing or own their own home (Greater Sydney: 59%)
- \$2,178 median weekly income (Greater Sydney: \$1,750)
- Unemployment rate 4.3% (June 2020) (Greater Sydney 5.0%)
- 1,092 Index of Relative Socio-Economic Disadvantage (Greater Sydney: 1,018)

An area with an index of 1,000 is considered average while a lower score indicates that the area is experiencing more disadvantage. Whilst there is some variation across the Northern Beaches, no areas fall below 1000.

- 4.12% outstanding rates and charges on 30 June 2020 (Industry benchmark 5%).

Pensioner Concessions Policy

Mandatory Concession

The Act provides for eligible pensioners to be able to receive a rate reduction of 50% of their total rates, up to a maximum of \$250. This amount is subsidised by the NSW Government. By virtue of section 575, an eligible pensioner may apply to council for a concession on a rate or charge.

The maximum concession is \$250 per property. The concession is apportioned, dependent upon whether:

- The person is solely liable or jointly liable with one or more jointly eligible occupiers but with no other person for the rate or charge (full concession allowable)
- The person is jointly liable with one other person who is not a jointly eligible occupier or with 2 or more other persons any of whom is not a jointly eligible occupier (pro rata concession).

Voluntary Concessions

Section 582 of the Act enables a council to waive or reduce rates, charges and accrued interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991. Thus, councils may, in their absolute discretion, further reduce on a voluntary basis (with no subsidy from the state government) rates and charges otherwise payable by an eligible pensioner.

In addition to the mandatory concession, eligible pensioners are granted additional voluntary concessions under policies of the three former Councils.

Former Manly Local Government Area

An additional concession of between \$20 and \$30 for the environmental rate levy:

This concession is paid to all eligible pensioners under the Act and is a rebate on the Environmental Levy. (This isn't a levy as such but part of the ordinary rate which was split out this way under Council resolution in the 1990's). The concession to those paying the minimum rate is \$20 (Number of properties: 481) and \$30 for those paying ad valorem rates (Number of properties: 596).

Former Pittwater Local Government Area:

An additional concession up to \$150 for pensioners under the accepted retirement age

This concession is paid to all eligible pensioners under the Act who haven't reached the retirement age or those over the retirement age on a blind pension.

Former Warringah Local Government Area:

An additional concession of \$54.40 for domestic waste management services charge for eligible pensioners and \$150 on rates to eligible pensioners under the accepted retirement age, and certain classes of pensioners who have reached the accepted retirement age.

The \$150 voluntary concession is paid to all eligible pensioners under the Act who haven't reached the retirement age or those over the retirement age on either the Blind Pension, Carer Payment or Disability Support Pension from Centrelink or either the Totally and Permanently Incapacitated (TPI) Pension or the Extreme Disablement Adjustment (EDA) Pension from the Department of Veteran Affairs.

The voluntary concession on domestic waste management charge applies to all eligible pensioners under the Act that are charged a domestic waste standard service.

Summary of Cost of Existing Voluntary Concessions:

Existing Rates Voluntary Concessions by Former LGA				
	Manly	Pittwater	Warringah	Total
Approximate QTY:	1,077	146	587	1,810
\$150 Rates:	\$0	\$21,031	\$84,516	\$105,547
Environment Levy:	\$27,500	\$0	\$0	\$27,500
Total:	\$27,500	\$21,031	\$84,516	\$133,047

Existing Concession on the Domestic Waste Management Charge				
	Manly	Pittwater	Warringah	Total
Approximate QTY:	Nil	Nil	6,080	6,080
Concession: \$50.40	\$0	\$0	\$324,007	\$324,007
Total:	\$0	\$0	\$324,007	\$324,007

Total Cost of Providing Existing Voluntary Concessions				
	Manly	Pittwater	Warringah	Total
Total:	\$27,500	\$21,031	\$408,523	\$457,054

Policy Requirement/Discussion:

Consideration of the options in relation to voluntary concessions include:

- Removing all existing concessions
- Grandfathering existing concessions
- Determine a uniform voluntary concession policy that delivers a fair and equitable outcome for pensioners.

Removing all existing voluntary concessions

While this would see Council saving \$457,504 per annum based on current pension levels, this would not represent a fair and equitable outcome for pensioners nor reflect the taxation principle of equity and its components being the ability to pay and intergenerational equity in terms of reflecting the lower consumption of services and their contributions through rates during their lives. This would also not be viewed by the community as an appropriately compassionate approach by Council.

Grandfathering all existing voluntary concessions

Under this option all existing pensioners would retain access to their current voluntary pensioner concession entitlement and all future pensioners would not be entitled to a voluntary concession. While this would ultimately see Council saving \$457,504 per annum based on current pension levels, this is also seen as not representing a fair and equitable outcome for pensioners nor reflecting the taxation principle of equity and its components being the ability to pay and intergenerational equity. Likewise, this would also not be viewed by the community as an appropriately compassionate approach by Council.

Determine a uniform voluntary concession policy that delivers a fair and equitable outcome for pensioners

This option looks at extending the voluntary concessions currently available to only former Warringah pensioners to all eligible pensioners in the Northern Beaches LGA. This would see eligible pensioners in the former Pittwater LGA being entitled to a concession for their domestic waste management services which is not currently the case. All pensioners in the former Manly LGA would be entitled to a concession for their domestic waste management services. Eligible pensioners in the former Manly LGA would also be entitled to a voluntary rates concession of \$150 and these concessions would replace their existing concession of between \$20 and \$30 for the environmental rate levy.

The estimated additional cost of extending the concessions as above is \$188,951 per annum and estimated total cost of all voluntary concessions is \$646,005. Further details are provided in Attachment 1.

Council will need to adopt a uniform policy for the provision of voluntary concessions to eligible pensioners as part of the harmonisation process. A draft policy is attached to this Report.

It is recommended that Council replace the existing pensioner concession 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. This will require the adoption of a uniform Pensioner Rates & Charges Concession Policy, which is proposed for exhibition. This would see the extension of \$150 Rates Voluntary Concession to all eligible pensioners in accordance with the definition in the proposed policy and extending the Domestic Waste concession to the former Manly and Pittwater areas. These concessions would replace the existing Manly Environmental Levy concession. The additional cost of extending the policy is approximately \$188,951.

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.

A revised Rates and Annual Charges Hardship Policy has been prepared for exhibition which has been reviewed and amended in order to ensure ongoing compliance with legislative requirements and with the Office of Local Government's Debt Management and Hardship Guidelines.

A Northern Beaches socio-economic analysis and rates affordability has been provided in Attachment 1. This review 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. As detailed in Attachment 1 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 1,000.

Proposed Harmonised Rating Structure:

Introduction

In setting a new harmonised revenue policy, Council is required to determine how rates will be distributed between the rating categories. Rates modelling was prepared to analyse the impact of different rates structure scenarios.

In developing these scenarios, we considered:

- The benefits model – Council's costs for the provision of services that proportionally benefit each category of ratepayer
- The ability to pay model - based on the current level of rates that are paid by each category of ratepayer
- Rates harmonisation deadline of 1 July 2021 with:
 - no further extension
 - no legislated transition options currently being available
 - compliance with current legislation
- The need to develop an equitable rating structure that distributes the rates burden fairly across the new Local Government Area
- Balanced with the need to reduce the extent of a sudden, unexpected impact for the majority of ratepayers
- Maintenance of the rates yield forecast in accordance with the long term financial plan

Use of a Minimum for Ordinary Rates Harmonisation

For all former LGAs, rate assessments are based upon property valuations (ad valorem) but with minimum rates applying where appropriate.

Most NSW metropolitan councils use minimum rate structures in high density areas, resulting in a high proportion of ratepayers paying the same minimum amount. Under the Act, rates are determined based on the unimproved capital value of land. In metropolitan areas that include significant number of high density unit and strata developments, an ad valorem rate with a minimum amount is considered to provide an equitable and efficient basis for rates and an appropriate means for funding and maintaining Council's minimum service levels and financial sustainability objectives.

In initial modelling carried out in planning for the harmonisation process we also considered the implementation of a base rate and ad valorem rate structure. This structure resulted in significantly greater impacts on ratepayers and as such did not provide alignment with the taxation principles as outlined in the Henry Report and other harmonisation considerations as noted earlier in this document.

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 the 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.

Modelling Scenarios and Weighted Averages

Our modelling indicated that setting a higher minimum rate provided the better outcome for ratepayers in relation to the taxation principles of the Henry Report and also 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 for the former Manly, Pittwater and Warringah Local Government Areas 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 LGAs will take into account the number of ratepayers (weightings/frequency) within each former LGA 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 therefore in line with the principles of the Henry Report.

Harmonised Rating Scenarios

Four scenarios have been developed following detailed modelling to determine a proposed harmonised rating structure for consultation with the community. Following below is a summary and analysis of these four rates harmonisation scenarios.

The analysis provided is based on current rates and rates income yields and they do not include any provision for IPART's annual rate peg adjustment which will apply for the 2021/22 year. The exclusion of the 2021/22 rate peg adjustment from this analysis allows us to more clearly demonstrate the impacts relating to the harmonisation process.

The analysis is based on current legislation which presently requires the harmonisation process to be completed by the 2021/22 year. The Local Government Act 1993 currently does not allow an amalgamated council to progressively harmonise their rates over more than one year.

Provided in Attachment 1 to this report is a copy of the detailed rating structure for each scenario.

Scenario 1 Existing Manly Minimums used for harmonisation

This scenario includes the following:

- 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).
- The Ordinary Rates with the exception of the business sub-categories are harmonised across the former Manly, Pittwater and Warringah Local Government Areas.
- Setting the minimum rate for the residential rating category at an amount equivalent to the current former Manly Council minimum rate of \$860.62 (plus the IPART rate peg as determined for the 2021/22 financial year).
- Setting the minimum rate for the business rating category at an amount equivalent to the current former Manly Council minimum rate of \$1,123.74 (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Warringah Mall continues to be levied on the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Warriewood Square be levied on the greater of their existing rate under the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year) or 10% more than the ad valorem rate for the business rating category (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Manly CBD continues to be levied on the existing structure with a minimum equivalent to the business rating category above, being \$1,123.74 (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Strata Storage Units continues to be levied on the existing structure with the existing minimum (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing Manly Business Centre Improvement and Balgowlah Business Centre Improvement Special rates continue to be levied on the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year).
- Setting the minimum rate for the farmland rating category at an amount equivalent to the proposed residential minimum rate above of \$860.62 (plus the IPART rate peg as determined for the 2021/22 financial year).

Detailed tables and analysis are included in Attachment 1 Rates Harmonisation Analysis.

Scenario 2 Existing Pittwater Minimums used for harmonisation

This scenario includes the following:

- 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).
- The Ordinary Rates with the exception of the business sub-categories are harmonised across the former Manly, Pittwater and Warringah Local Government Areas.
- Setting the minimum rate for the residential rating category at an amount equivalent to the current former Pittwater Council minimum rate of \$931.92 (plus the IPART rate peg as determined for the 2021/22 financial year).
- Setting the minimum rate for the business rating category at an amount equivalent to the current former Pittwater Council minimum rate of \$1,189.82 (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Warringah Mall continues to be levied on the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Warriewood Square be levied on the greater of their existing rate under the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year) or 10% more than the ad valorem rate for the business rating category (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Manly CBD continues to be levied on the existing structure with a minimum equivalent to the business rating category above, being \$1,189.82 (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Strata Storage Units continues to be levied on the existing structure with the existing minimum (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing Manly Business Centre Improvement and Balgowlah Business Centre Improvement Special rates continue to be levied on the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year).
- Setting the minimum rate for the farmland rating category at an amount equivalent to the proposed residential minimum rate above of \$931.92 (plus the IPART rate peg as determined for the 2021/22 financial year).

Detailed tables and analysis are included in Attachment 1 Rates Harmonisation Analysis.

Scenario 3 Existing Warringah Minimums used for harmonisation

This scenario includes the following:

- 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).
- The Ordinary Rates with the exception of the business sub-categories are harmonised across the former Manly, Pittwater and Warringah Local Government Areas.
- Setting the minimum rate for the residential rating category at an amount equivalent to the current former Warringah Council minimum rate of \$1,022.94 (plus the IPART rate peg as determined for the 2021/22 financial year).
- Setting the minimum rate for the business rating category at an amount equivalent to the current former Warringah Council minimum rate of \$1,313.33 (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Warringah Mall continues to be levied on the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Warriewood Square be levied on the greater of their existing rate under the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year) or 10% more than the ad valorem rate for the business rating category (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Manly CBD continues to be levied on the existing structure with a minimum equivalent to the business rating category above, being \$1,313.33 (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Strata Storage Units continues to be levied on the existing structure with the existing minimum (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing Manly Business Centre Improvement and Balgowlah Business Centre Improvement Special rates continued to be levied on the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year).
- Setting the minimum rate for the farmland rating category at an amount equivalent to the proposed residential minimum rate above \$1,022.94 (plus the IPART rate peg as determined for the 2021/22 financial year).

Detailed tables and analysis are included in Attachment 1 Rates Harmonisation Analysis.

Scenario 4 Weighted Average Minimums used for harmonisation

This scenario (recommended) includes the following:

- 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).
- The Ordinary Rates with the exception of the business sub-categories are harmonised across the former Manly, Pittwater and Warringah Local Government Areas.
- Setting the minimum rate for the residential rating category at an amount equivalent to the weighted average of the former Councils' minimum rate being \$967.95 (plus the IPART rate peg as determined for the 2021/22 financial year).
- Setting the minimum rate for the business rating category at an amount equivalent to the weighted average of the former Councils' minimum being \$1,260.31 (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Warringah Mall continues to be levied on the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Warriewood Square be levied on the greater of their existing rate under the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year) or 10% more than the ad valorem rate for the business rating category (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Manly CBD continues to be levied on the existing structure with a minimum equivalent to the business rating category above, being \$1,260.31 (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing business sub-category Strata Storage Units continues to be levied on the existing structure with the existing minimum (plus the IPART rate peg as determined for the 2021/22 financial year).
- The existing Manly Business Centre Improvement and Balgowlah Business Centre Improvement Special rates continue to be levied on the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year).
- Setting the minimum rate for the farmland rating category at an amount equivalent to the proposed residential minimum rate above of \$967.95 (plus the IPART rate peg as determined for the 2021/22 financial year).

Detailed tables and analysis are included in Attachment 1 Rates Harmonisation Analysis.

The following table is a summary of the rating categories, sub-categories and rating options (Ad Valorem with minimums) for scenarios 1 to 4.

RATING STRUCTURE - CATEGORIES				
Current	Scenario 1	Scenario 2	Scenario 3	Scenario 4
RESIDENTIAL				
Ordinary-Manly Ordinary-Pittwater Ordinary-Warringah	Ordinary	Ordinary	Ordinary	Ordinary
BUSINESS				
Ordinary-Business - Manly - Other Ordinary-Business - Pittwater Ordinary-Business - Warringah	Ordinary	Ordinary	Ordinary	Ordinary
Sub-categories				
Ordinary Business - Manly CBD	As Below ¹	As Below ¹	As Below ¹	As Below ¹
Ordinary Business - Warriewood Square	As Below ²	As Below ²	As Below ²	As Below ²
Ordinary Business - Warringah Mall	No Change	No Change	No Change	No Change
Ordinary Business - Strata Storage Units	No Change	No Change	No Change	No Change
Special Rates				
Special - Manly Business Centre Improvement	No Change	No Change	No Change	No Change
Special - Balgowlah Business Centre Improvement	No Change	No Change	No Change	No Change
FARMLAND				
Farmland	As Below ³	As Below ³	As Below ³	As Below ³

¹There is no change to the Rates collected from this sub-category. The minimum will be set in line with the proposed ordinary business category, consistent with current practice.

²The existing business sub-category Warriewood Square be levied on the greater of their existing rate under the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year) or 10% more than the ad valorem rate for the business rating category (plus the IPART rate peg as determined for the 2021/22 financial year).

³There is no change to the Rates collected from this sub-category. The minimum will be set in line with the proposed ordinary residential category, consistent with current practice.

This report recommends Council harmonise rates based on Scenario 4 as provided in Attachment 1 to this report, which is a rating structure as follows:

- The rating categories and sub-categories to be established comprise:
 - Ordinary
 - Residential
 - Business
 - ❖ Sub-categories
 - Manly CBD
 - Warringah Mall
 - Warriewood Square
 - Strata Storage Units (based on centre of activity)
 - Farmland
 - Special
 - Manly Business Centre Improvement
 - Balgowlah Business Centre Improvement
- A minimum rate is to be applied across the ordinary residential and ordinary business rating categories and the Manly CBD and Strata Storage Units sub-categories.
 - The minimum rate for the ordinary residential category is \$967.95 (plus the IPART rate pegging limit determined for the 2021/22 financial year).
 - The minimum rate for the ordinary business category is \$1,260.31 (plus the IPART rate pegging limit determined for the 2021/22 financial year).
 - The minimum rate for the Manly CBD business sub-category is \$1,260.31 (plus the IPART rate pegging limit determined for the 2021/22 financial year).
 - The minimum rate for the Strata Storage Unit business sub-category is \$602.37 (plus the IPART rate pegging limit determined for the 2021/22 financial year).
 - The minimum rate for the ordinary farmland category is \$967.95 (plus the IPART rate pegging limit determined for the 2021/22 financial year).
- An ad valorem rate is to be applied across the ordinary residential rating category.
- An ad valorem rate is to be applied across the ordinary business rating category.
- Ad valorem rates are to be applied across all business rating sub-categories. The existing rates which are currently levied for these sub-categories other than the Warriewood Square sub-category (plus the IPART rate pegging limit determined for the 2021/22 financial year) across the former Councils are to remain unchanged and only levied on those rating areas currently rated for the relevant sub-category.
- An ad valorem rate is to be applied to the Warriewood Square sub-category. It is to be levied on the greater of their existing rate under the existing structure (plus the IPART rate peg as determined for the 2021/22 financial year) or 10% more than the ad valorem rate for the

business rating category (plus the IPART rate peg as determined for the 2021/22 financial year).

- An ad valorem rate is to be applied across the ordinary farmland rating category.
- Ad valorem rates are to be applied across all special rating categories. The existing special rates which are currently approximately \$1,363 million (plus the IPART rate pegging limit determined for the 2021/22 financial year) levied across the former Councils are to remain unchanged and only levied on those rating areas currently rated for the relevant special rate.

In determining to set a Northern Beaches Council minimum rates based on Scenario 4, Council is required to make application to the Office of Local Government for approval to set the minimum rates for each of the categories and sub-categories.

Recommended Rates Harmonisation Model (Scenario 4):

The starting point for the harmonisation of rates is the consideration of minimum rates. This scenario uses a weighted average of the current minimum rates whereas each of the other scenarios are each based on the former council's minimum rate. 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 LGAs will take into account the number of ratepayers (weightings/frequency) within each former LGA 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 therefore in line with the principles of the Henry Report.

Residential

Detailed information in relation to the following analysis is included in Attachment 1 to this Report.

Scenarios 1 and 2 result in the greatest reduction in the number of ratepayers paying the minimum rate. These impacted ratepayers will move onto the ad valorem rate. For the most impacted ratepayers (former Manly LGA) they will then pay the ad valorem rate and these two scenarios produce the greatest increase in the ad valorem rate for former Manly LGA ratepayers (being a 30% increase under Scenario 1 and a 27% increase under Scenario 2). These scenarios also result in the greatest number of ratepayers that experience an increase in rates (under Scenario 1 7,278 ratepayers experience an increase in rates greater than \$400 and under Scenario 2 6,657 experience an increase greater than \$400). As such these scenarios do not produce the most fair and equitable outcome and are not recommended.

Scenario 3 has the greatest increase in ratepayers paying the minimum rate with the majority of those impacted ratepayers also paying a higher minimum rate than currently paid. As such, this represents in a shift of the rate burden to the minimum ratepayers. In addition, 128 former Manly LGA ratepayers will move off the minimum and will pay a 24% higher ad valorem rate than previously applied to former Manly LGA ad valorem ratepayers. This scenario also results in the highest increase in average rates for the most impacted ratepayers in the former Manly LGA (being a \$310 average annual increase in rates).

Scenario 4 is based on a weighted average which is considered to be an appropriate approach for determining a harmonised minimum rate. Compared to Scenario 3, this scenario results in a lower increase in average rates for the most impacted ratepayers in the former Manly LGA. Compared to Scenario 3, this scenario results in a lower percentage of ratepayers receiving an increase in rates (24% for Scenario 4 vs 25% for Scenario 3). Scenario 4 results in the lowest change in the number of ratepayers paying the minimum rate (being an overall change of 109 ratepayers). For former Manly Local Government Area ratepayers, Scenario 4 produces a lower average percentage change in rates compared to Scenario 3 (being 21.9% under Scenario 4 compared to 22.2% under Scenario 3) and a lower average rate compared to Scenario 3 (being \$1,703 under Scenario 4 and \$1,707 under Scenario 3).

Scenario 4 is recommended as the residential rating approach, based on a weighted average minimum rate. This scenario results in 76% of ratepayers experiencing a rate reduction (compared to 54% under Scenario 3). As such, Scenario 4 produces a slightly more favourable outcome and is preferred over Scenario 3 as it is based on the sound principle of a weighted average, it produces a lower increase in average rates, it results in a lower percentage number of ratepayers receiving an increase in rates.

Scenario 4 has the least change in numbers paying the minimum rate and as such minimises the redistribution of the overall rate burden to minimum ratepayers who may also have the least capacity to pay a higher share of the rate burden. Compared to Scenario 3, Scenario 4 results in a lower number of ratepayers experiencing an increase in rates (24% under Scenario 4 compared to 25% under Scenario 3) and for the most impacted ratepayers in the former Manly Local Government Area it results in a lower increase in average rates (being \$306 under Scenario 4 and \$310 under Scenario 3).

Under Scenario 3 there is a lower percentage change in the ad valorem rate compared to Scenario 4 (24% versus 26%). However, under Scenario 3 there would be no reduction in the minimum rate for former Warringah minimum ratepayers. Former Warringah minimum represent 21% of our ratepayers and they have not had a reduction in their waste charge since amalgamation and have also been subject to the former Warringah special variation increases. Former Manly minimum ratepayers would be subject to a \$162 increase under Scenario 3 rather than a \$107 increase under Scenario 4 and likewise former Pittwater minimum ratepayers would be subject to a \$91 increase rather than a \$36 increase.

Scenario 4 is also preferred because it is based on a weighted average minimum rate. We believe that a weighted average more accurately achieves a fair and equitable outcome to the process of determining a harmonised minimum rate and is therefore in line with the principles of the Henry Report. It also mitigates larger potential increases to the minimum rate and ad valorem rate, retains a similar number of ratepayers on the minimum rate and is influenced by the rating structures of all three former Councils. 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.

Business

Detailed information in relation to the following analysis is included in Attachment 1 to this Report.

Scenarios 1 and 2 result in the greatest reduction in the number of ratepayers paying the minimum rate (Scenario 1 shows a reduction of 270 ratepayers paying the minimum and Scenario 2 shows a reduction of 156). These impacted ratepayers will move onto the ad valorem rate. For the most impacted ratepayers (being the former Manly and former Pittwater Local Government Areas) they will then pay the ad valorem rate and these two scenarios produce the greatest increase in the ad valorem rate for former Manly and former Pittwater ratepayers (Scenario 1 results in a 46% increase in the ad valorem rate for former Manly ratepayers and a 27% increase for former Pittwater ratepayers. Scenario 2 results in a 44% increase for former Manly ratepayers and a 26%

increase for former Pittwater ratepayers). This represents a shifting of the rates burden to these former minimum ratepayers.

Scenarios 1 and 2 also result in the greatest number of ratepayers that experience an increase in annual rates greater than \$400 (being 801 ratepayers for Scenario 1 and 788 ratepayers for Scenario 2). These scenarios also result in the greatest increase in average rates for former Manly Local Government Area ratepayers (being an increase of \$1,310 under Scenario 1 and an increase of \$1,292 under Scenario 2). As such these scenarios do not produce the most fair and equitable outcome and are not recommended.

Scenario 3 has the greatest overall increase in ratepayers paying the minimum rate (an increase of 38 with an increase of 101 ratepayers in the former Warringah Local Government Area paying the minimum, however this is offset by reductions of 15 in former Manly and 48 in former Pittwater). In addition, as stated above there is a reduction in the number of ratepayers paying the minimum rate in former Manly and former Pittwater and these impacted ratepayers will be paying higher ad valorem rates than previously applied in their Local Government Areas.

Under Scenario 3 there is a lower percentage change in the ad valorem rate compared to Scenario 4 (41% versus 42%). However, under Scenario 3 there would be no reduction in the minimum rate for former Warringah minimum ratepayers. Former Warringah minimum represent 62% of our ordinary business ratepayers and they have been subject to the former Warringah special variation increases. Former Manly minimum ratepayers would be subject to a \$195 increase under Scenario 3 rather than a \$137 increase under Scenario 4 and likewise former Pittwater minimum ratepayers would be subject to a \$124 increase rather than a \$70 increase.

Scenario 4 is based on a weighted average which considered to be an appropriate approach for determining a harmonised minimum rate. Compared to Scenario 3, this scenario results in a higher percentage of ratepayers receiving a reduction in rates (62% vs 28%). Compared to Scenario 3, this scenario results in a lower annual change in the average rate for the 1,897 former Pittwater Local Government Area ratepayers (\$465 vs \$474) and a higher increase in the annual change in average rates for the 514 former Manly LGA ratepayers (\$1,272 vs \$1,255). For the 1,897 former Pittwater Local Government Area ratepayers, Scenario 4 produces a lower average percentage change in rates compared to Scenario 3 (being 18.8% under Scenario 4 compared to 19.2% under Scenario 3) and a lower average rate compared to Scenario 3 (being \$2,932 under Scenario 4 and \$2,941 under Scenario 3).

As such, whilst both Scenario 3 and Scenario 4 have their merits, Scenario 4 produces a slightly more favourable outcome for the majority of ratepayers and is preferred over Scenario 3 as it is based on the sound principle of a weighted average. 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 a weighted average more accurately achieves a fair and equitable outcome to the process of determining a harmonised minimum rate and is therefore in line with the principles of the Henry Report.

Gradual Harmonisation

The Local Government Act 1993 currently does not allow an amalgamated council to progressively harmonise their rates over more than one year. As such it does not recognise the significant dollar differential that may exist in property valuations and therefore the rates to be paid by ratepayers across former council areas as a result of harmonisation.

This can result in considerable and significant impacts on ratepayers, particularly on ad valorem ratepayers depending on the size of the difference between the ad valorem rate of the former local government area compared to the proposed harmonised rate.

The Mayor and CEO have been actively working with the Minister for Local Government, and the Office of Local Government, advocating for the introduction of a gradual harmonisation process, via a 10% annual cap on rates increases resulting from harmonisation (excluding the rate peg and revaluation adjustments).

We understand that the draft legislation regarding gradual harmonisation is currently being finalised and is expected to be released in the coming weeks.

The following table summarises the potential impacts on ad valorem ratepayers if harmonisation needed to be completed in full on 1 July 2021.

RESIDENTIAL					
Details		Scenario 1	Scenario 2	Scenario 3	Scenario 4
% change in ad valorem rate	Manly	30%	27%	24%	26%
	Pittwater	(0%)	(2%)	(5%)	(3%)
	Warringah	(3%)	(5%)	(8%)	(6%)

ORDINARY BUSINESS (Excluding Manly CBD, Warringah Mall, Warriewood Square and Strata Storage Units)					
Details		Scenario 1	Scenario 2	Scenario 3	Scenario 4
% change in ad valorem rate	Manly	46%	44%	41%	42%
	Pittwater	27%	26%	23%	24%
	Warringah	(8%)	(9%)	(11%)	(10%)

If the current legislation is amended prior to 1 July 2021 to allow Council to undertake the gradual harmonisation of the rating structure over a number of years, then Council will consider any alternative which becomes available with the intention that no one year's increase is more than 10% for ad valorem ratepayers excluding the rate cap and changes resulting from land revaluations, if this is possible.

Based on the scenarios developed a gradual harmonisation would result in harmonisation for residential ratepayers under each of the above scenarios of 3 to 4 years with annual increases of no more that 10% per annum excluding the rate peg and land valuation changes (subject to legislative amendments).

Likewise, the harmonisation for business ratepayers under each of the above scenarios could occur over 4 to 5 years with annual increases of no more that 10% per annum excluding the rate peg and land valuation changes (subject to legislative amendments).

Stormwater Management Services Charge

Properties within the former Manly and Pittwater Council areas are levied a Stormwater Management Services Charge (SMSC). The SMSC is an annual charge levied on the rates notice under s496A of the *Local Government Act 1993*. It is generally levied on urban land that is categorised for rating purposes as residential or business, excluding vacant land.

Funds raised through the SMSC support improvements to the drainage system to protect people and properties from flooding, the health of local waterways and provides opportunities for the harvesting and reuse of stormwater. These additional projects are currently limited to the former Manly and Pittwater Council areas, with the funds restricted for the area in which they've been raised.

The current SMSC is outlined below and is consistent with the upper limit set by the *Local Government (General) Regulation 2005*.

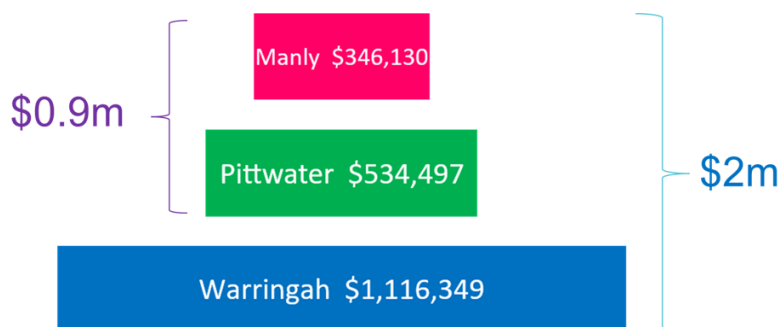
2020/21 Stormwater Management Services Charge – Former Pittwater and Manly Council

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

In the 2020/21 financial year the SMSC is forecast to raise \$880,704 (\$346,532 former Manly and \$534,497 former Pittwater). These funds contribute towards the cost of projects including the North Harbour Gross Pollutant Trap (GPT) feasibility study, North Steyne GPT, Scotland Island drainage improvements, Newport Water Sensitive Urban Design (WSUD) and provides for the ongoing maintenance of SMSC funded works including the cleaning of existing GPTs.

The harmonisation of the rating structure results in the need to harmonise the Stormwater Management Services Charge. 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.

2020/21 Stormwater Management Services Charge – Modelled Funding Envelope



A Northern Beaches Stormwater Management Services Charge would provide a sustainable source of funds towards addressing a number of emerging issues and opportunities which include keeping the stormwater network at the right capacity even in the face of climate change and further development and improving the downstream environment by providing better stormwater quality.

Improvement projects include stormwater quality works such as Gross Pollutant Traps and Water Sensitive Design projects identified in the Clearwaters Program, and for stormwater flow improvements such as larger pipes and improved culverts where required.

Accordingly, we are proposing to replace the existing Manly and Pittwater Council Stormwater Management Services Charges with a new Northern Beaches Stormwater Management Services Charge. The charge would be consistent with the current charges, as outlined in the table above, and charged in accordance with the Local Government Act 1993 and Local Government (General) Regulations 2005. Attachment 4 'Stormwater Management Service Charge Harmonisation Options' provides further background on the SMSC, stormwater management and potential programs that could be funded through the charge.

Timeline for Implementation of Rates Harmonisation by 1 July 2021

15 December 2020

- Council to endorse commencement of rates harmonisation community consultation

18 December to 07 February 2021

- Community consultation – period extended to take into account seasonal holidays

23 February 2021

- Feedback from community consultation on harmonised minimum rates reported back to Council (unless an extension is approved by the Office of Local Government)

26 February 2021

- Application Letter and attachments to the Minister for Local Government to set harmonised minimum rates for 2021-22

9 April 2021

- Determination of Minimum Rates application by the Deputy Secretary, Local Government, Planning and Policy

April 2021

- Draft Operational Plan 2021-22, including the budget and harmonised rating structure to be considered by Council for public exhibition

June 2021

- Council considers any feedback received during the public exhibition period for the draft Operational Plan 2021-22 and determines whether to adopt the Operational Plan for 2021-22 including the budget and ratings structures.

CONSULTATION

The draft documents will be placed on exhibition for 7 weeks. Promotion and engagement will include:

- A dedicated Your Say page, including all documents
- Providing information on the impacts for the three former councils
- Letters to residential and business ratepayers
- Bulk emails to Community Engagement Register subscribers, businesses and contacts on our Council email list
- Online and face to face community and business briefing sessions (as per COVID restrictions)
- Meetings with community groups and business chambers
- Special briefing of all SRG members
- The exhibition will be advertised on Council's website and in the newspaper
- Submissions can be made online as well as via letter and email.

TIMING

Northern Beaches Council is 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 LGAs due to differences both in land valuations and in the rating structures of the former LGAs.

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

The cost of extending the Pensioner Rates & Charges Concession Policy is approximately \$188,951.

SOCIAL CONSIDERATIONS

This review 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.

Further a recommendation is included in the report for continued advocacy of the NSW government to implement legislative changes which allow Council to undertake gradual harmonisation of the rating structure over a number of years.

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 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 LGA. 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.

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. The Mayor and CEO have been actively working with the Minister for Local Government, and the Office of Local Government, advocating for the introduction of a gradual harmonisation process, via a 10% annual cap on rates increases resulting from harmonisation (excluding the rate peg and revaluation adjustments).

We understand that the draft legislation regarding gradual harmonisation is currently being finalised and is expected to be released in the coming weeks.

ITEM 9.2	CODE OF CONDUCT COMPLAINT STATISTICS
REPORTING MANAGER	EXECUTIVE MANAGER INTERNAL AUDIT AND COMPLAINTS RESOLUTION
TRIM FILE REF	2020/683432
ATTACHMENTS	NIL

BRIEF REPORT

PURPOSE

To report on the Code of Conduct complaint statistics for the period 1 September 2019 to 31 August 2020 in accordance with part 11 of the Procedures for the Administration of the Northern Beaches Council Code of Conduct ("Code of Conduct").

REPORT

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

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to Council within 3 months of the end of September of each year:*
- a) the total number of code of conduct complaints made about councillors and the CEO under the code of conduct in the year to September (the reporting period)*
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period*
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints*
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period*
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period*
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and*
 - g) the total cost of dealing with code of conduct complaints made about councillors and the CEO during the reporting period, including staff costs.*
- 11.2 Council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September each year.*

The following summary outlines the Code of Conduct complaint statistics for the period 1 September 2019 to 31 August 2020:

Code of Conduct Complaints Statistics		
Northern Beaches Council		
Number of Complaints		
1	a The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	10
	b The total number of complaints finalised in the period about councillors and the GM under the code of conduct	10
Overview of Complaints and Cost		
2	a The number of complaints finalised at the outset by alternative means by the GM or Mayor	2
	b The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0
	c The number of code of conduct complaints referred to a conduct reviewer	7
	d The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	6
	e The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	1
	f The number of finalised code of conduct complaints investigated by a conduct reviewer	7
	g The number of finalised complaints investigated where there was found to be no breach	6
	h The number of finalised complaints investigated where there was found to be a breach	1
	i The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	0
	j The number of complaints being investigated that are not yet finalised	0

k The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	102,471
Preliminary Assessment Statistics	
3 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a To take no action (clause 6.13(a) of the 2018 and 2020 Procedures)	3
b To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2018 and 2020 Procedures)	2
c To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2018 and 2020 Procedures)	1
d To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2018 and 2020 Procedures)	0
e To investigate the matter (clause 6.13(e) of the 2018 and 2020 Procedures)	1
Investigation Statistics	
4 The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:	
a That the council revise its policies or procedures	1
b That a person or persons undertake training or other education (clause 7.37 of the 2018 Procedures or clause 7.40 of the 2020 Procedures)	0
5 The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
a That the council revise any of its policies or procedures (clause 7.36(a) of the 2018 Procedures or clause 7.39 of the 2020 Procedures)	1
b In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.36(h) of the 2018 Procedures or clause 7.37(a) of the 2020 Procedures)	0

c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.36(i) of the 2018 Procedures or clause 7.37(b) of the 2020 Procedures)	0
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.36(j) of the 2018 Procedures or clause 7.37(c) of the 2020 Procedures)	0
6	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2018 or 2020 Procedures)	0
Categories of misconduct		
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	1
b	Non-pecuniary conflict of interest (Part 5)	0
c	Personal benefit (Part 6)	0
d	Relationship between council officials (Part 7)	0
e	Access to information and resources (Part 8)	0
Outcome of determinations		
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewer's recommendation	0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG	0

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts in relation to this report.

SOCIAL CONSIDERATIONS

There are no social impacts in relation to this report.

GOVERNANCE AND RISK CONSIDERATIONS

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

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That the Code of Conduct complaint statistics for the period 1 September 2019 to 31 August 2020 be reported to the Office of Local Government in accordance with part 11.2 of the Procedures for the Administration of the Northern Beaches Council Code of Conduct.

ITEM 9.3	CONSTITUTIONAL REFERENDUMS AND COUNCIL POLLS
REPORTING MANAGER	ACTING EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2020/766833
ATTACHMENTS	1 ↓ OLG Circular Constitutional Referendums and Polls

BRIEF REPORT

PURPOSE

To consider whether to conduct a constitutional referendum at the September 2021 election and determine the number of councillors.

REPORT

The provisions for Northern Beaches Council, including wards, councillor election method, number of councillors and method of electing the mayor, were set by the Local Government (Council Amalgamations) Proclamation 2016 in May 2016.

Under section 16 of the Local Government Act 1993, a council must obtain the approval of its electors at a constitutional referendum to do each of the following:

- Divide a council area into wards or abolish wards
- Change the number of councillors
- Change the method of electing the mayor
- Change the method of election for councillors where the council's area is divided into wards.

Accordingly, should Council wish to make any changes to any of the above, approval to do so would first need to be given at a constitutional referendum. A constitutional referendum may be conducted in conjunction with the 2021 ordinary local government elections. Approval given at a constitutional referendum conducted in conjunction with the 2021 elections would have the effect of changing the provisions for the electoral term commencing in September 2024.

Council has been requested to notify the NSW Electoral Commission (NSWEC) as soon as possible if it wishes to enter into an arrangement with the NSWEC to administer a referendum or poll at the next election (Office of Local Government Circular 20-39 attached).

Council wards

In September 2019, Council resolved (292/19) to advise the NSW Electoral Commission that a ward boundary alteration was not required.

9.3 COUNCIL WARD BOUNDARY REVIEW**292/19 RESOLVED*****Cr Ferguson / Cr Harrison***

That Council:

- Note that no action is necessary to alter existing ward boundaries, however ward boundary elector numbers will be kept under review as required under section 211 of the Local Government Act 1993.
- Advise the NSW Electoral Commission that a ward boundary alteration is not required for Northern Beaches Council.

RESOLVED BY EXCEPTION

Under section 211 of the Local Government Act 1993 Councils must keep ward boundaries under review to ensure that a difference in elector numbers of no greater than 10% exists between wards. If an alteration to ward boundaries is undertaken, Council is required to, among other things, consult the NSW Electoral Commissioner.

The NSW Electoral Commission (NSWEC) maintains a website which provides enrolment statistics for each council and ward. There has been no change to these statistics as the last published report provided by the NSWEC was at 16 May 2019. These statistics show the difference in elector numbers between the highest and lowest numbers per ward in the Northern Beaches Council is **2.96%**, which is within the required 10% limit.

Ward	No. of electors	Variance = 2.96%
Curl Curl	37469	Highest
Frenchs Forest	36770	
Manly	36360	Lowest
Narrabeen	37034	
Pittwater	37356	

Number of councillors

Section 224 of the Local Government Act 1993 (LGA), requires Council to determine the number of councillors for the following term not less than 12 months before an ordinary election. Any proposed changes would require approval at a constitutional referendum.

Given the distribution of voters in each ward, there is no requirement to change the number of wards or ward boundaries. It is therefore proposed that Council retain the current number of councillors at 15 for the following term.

The Office of Local Government has classified Northern Beaches Council as a metropolitan council. According to the Office of Local Government's Your Council at a Glance report¹ Northern Beaches Council's 15 councillors have an average population of 18,085 per councillor, compared to the metropolitan group average being 13 councillors having an average population of 13,946 per councillor.

Method of electing the mayor

The Act provides two methods by which a mayor can be elected — by popular vote at an ordinary election or by vote among the councillors. The mayor is currently elected by vote among the councillors.

As Northern Beaches Council has areas that are divided into 5 wards, changing the method of electing the mayor will have implications for the number of councillors to be elected as each ward must have an equal number of councillors under section 280(2) of the Act. A popularly elected mayor is not to be included in this count.

Method of electing councillors by ward

The councillors for an area that is divided into wards are to be elected in accordance with either method of election prescribed under section 280 or 281 of the Act. The method of election under section 280 (method 1) is to apply unless a decision made at a constitutional referendum is in force which requires the method of election to be conducted under section 281 (method 2). The decision made at a constitutional referendum to alter the method of election to method 2 must also specify

¹ <https://www.yourcouncil.nsw.gov.au/wp-admin/admin-ajax.php>

the number of councillors to be elected by all the electors for a ward and the number of councillors to be elected by all the electors for the area.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council if provisions remain the same as existing arrangements.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts relating to this report.

SOCIAL CONSIDERATIONS

Reviewing these provisions helps ensure community representation is equitable across the Northern Beaches LGA via ward boundary arrangements and councillor numbers and allocation.

GOVERNANCE AND RISK CONSIDERATIONS

It important that Council monitors the variance in number of electors in each ward to ensure Council is complying with section 211 of the LGA and meeting its statutory compliance.

The risk of a significant change in ward population numbers which would drive the variance beyond the 10% threshold between wards is considered unlikely to occur prior to the next local government election.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

1. In accordance with section 224 of the Local Government Act 1993, determine the number of councillors for the following term of Council be 15.
 2. Note that no action is necessary to alter existing ward boundaries, however ward boundary elector number will be kept under review as required under section 211 of the Local Government Act 1993.
 3. Note no constitutional referendum in relation to the matters in section 16 of the Local Government 1993 is required at the September 2021 local government election.
-



Office of
Local Government

Circular to Councils

Circular Details	20-39 / 30 November 2020 / A716396
Previous Circular	19-23 Constitutional referendums and council polls
Who should read this	Councillors / General Managers / Council Governance Staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

Constitutional referendums and council polls

What's new or changing

- Councils are reminded to inform the NSW Electoral Commissioner (NSWEC) if they have resolved for the NSWEC to administer a constitutional referendum or poll in conjunction with the September 2021 local government elections.

What this will mean for your council

- Under section 16 of the *Local Government Act 1993*, a council must obtain the approval of its electors at a constitutional referendum to do each of the following:
 - divide a council area into wards or abolish wards
 - change the number of councillors
 - change the method of electing the mayor
 - change the method of election for councillors where the council's area is divided into wards.

Key points

- Councils should notify the NSWEC as soon as possible if they wish to enter into an arrangement for the administration of a referendum or poll.
- If a council resolves that a constitutional referendum or poll is to be conducted, it must comply with the notification requirements contained in Schedule 10 of the *Local Government (General) Regulation 2005*.
- Any changes approved at a referendum will come into effect at the September 2024 local government elections.

Where to go for further information

- For councils considering, or that have resolved to have the NSWEC conduct a constitutional referendum or poll, contact Steve Robb at the NSW Electoral Commission on telephone 9290 5431 or Steve.Robb@elections.nsw.gov.au.
- See the attachment to this Circular for further information.



Tim Hurst
Deputy Secretary
Local Government, Planning and Policy

Office of Local Government
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Attachment

Conducting a constitutional referendum

If a council resolves to conduct a constitutional referendum it must comply with the notification requirements contained in Schedule 10 of the *Local Government (General) Regulation 2005*.

It is of critical importance that the referendum question or questions are carefully framed to ensure that workable decisions are achieved. All questions put at a referendum should be clear, concise, and capable of being responded to with a 'yes' or 'no' answer.

If more than one referendum question is being asked on a particular subject, then extra care needs to be taken to ensure that the possible combinations of 'yes' and 'no' answers do not produce a conflicting decision.

Councils are responsible for the preparation and publicity of the required explanatory material. Councils must ensure this material presents a balanced case both for and against any proposition to be put to a constitutional referendum.

Dividing an area into wards or abolishing wards

After receiving elector approval at a constitutional referendum, and before dividing its area into wards, a council must undertake the consultation required by section 210A of the *Local Government Act 1993* (the Act). This includes consulting with the Electoral Commissioner and the Australian Statistician and public exhibition of the proposal. (Compliance with section 210A is not required where approval has been given by electors at a referendum to abolish wards.)

Any changes to wards will come into effect for the electoral term commencing in September 2024.

Changing the number of councillors

Section 224(2) of the Act requires that not less than 12 months before an ordinary election the council must determine the number of its councillors for the following term. If, as a result of doing so, a council has determined to change the number of its councillors, it must also obtain approval for the change at a constitutional referendum. Approval would have the effect of changing the number of councillors for the electoral term commencing in September 2024.

If following the approval of a reduction in councillor numbers, a casual vacancy occurs in the office of a councillor (but not a mayor elected by the councillors), and the reduction has not yet taken effect, the vacancy must not be filled if the number of councillors will remain at or above the number approved at the referendum (section 294B of the Act).

Changing the method of electing the mayor

The Act provides two methods by which a mayor can be elected — by popular vote at an ordinary election or by vote among the councillors. Section 228 of the Act permits a council to change the way the mayor is elected by seeking approval of its electors at a constitutional referendum.

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Councils with areas that are divided into wards are reminded that section 280(2) of the Act requires the same number of councillors is to be elected for each ward. A popularly elected mayor is not to be included in this count. In such circumstances, councils should be mindful that changing the method of electing the mayor could result in an increase or decrease in the number of councillors to be elected.

If electors at a constitutional referendum conducted in conjunction with the 2021 ordinary elections approve a change to the way the mayor is elected, that change will come into effect for the electoral term commencing in September 2024.

Changing the method of electing councillors

The councillors for an area that is divided into wards are to be elected in accordance with either method of election prescribed under section 280 or 281 of the Act.

The method of election under section 280 (method 1) is to apply unless a decision made at a constitutional referendum is in force, which requires the method of election to be conducted under section 281 (method 2).

The decision made at a constitutional referendum to alter the method of election to method 2 must also specify the number of councillors to be elected by the ward electorate and the number of councillors to be elected by the area electorate.

If electors at a constitutional referendum conducted in conjunction with the 2021 ordinary elections approve a change to the method for electing councillors, this change will come into effect for the electoral term commencing in September 2024.

ITEM 9.4

REPORTING MANAGER

TRIM FILE REF

ATTACHMENTS

REVOCATION OF VARIOUS POLICIES

ACTING EXECUTIVE MANAGER GOVERNANCE AND RISK

2020/742475

- 1 ➡ **Manly After Midnight Policy - former Manly Council (Included In Attachments Booklet)**
- 2 ➡ **Builders' Rubbish Containers Policy - former Manly Council (Included In Attachments Booklet)**
- 3 ➡ **Footpath Levels Policy - former Warringah Council (Included In Attachments Booklet)**
- 4 ➡ **Placement of Building Waste Containers on Public Roads Policy - former Warringah Council (Included In Attachments Booklet)**
- 5 ➡ **Vehicle Access to all Roadside Development Policy - former Warringah Council (Included In Attachments Booklet)**
- 6 ➡ **Acquisition of Corner Splays Policy - former Manly Council (Included In Attachments Booklet)**
- 7 ➡ **Road Signs Policy - former Manly Council (Included In Attachments Booklet)**
- 8 ➡ **Special Events (Road Closures) Traffic and Transport Management Plan - former Manly Council (Included In Attachments Booklet)**
- 9 ➡ **Speed Restrictions - Signs on Public Reserves and Carparks - former Pittwater Council (Included In Attachments Booklet)**
- 10 ➡ **Events Management Policy - former Manly Council (Included In Attachments Booklet)**
- 11 ➡ **Council Event Management Policy – Sustainability - former Pittwater Council (Included In Attachments Booklet)**
- 12 ➡ **Sustainable Events Policy - former Warringah Council (Included In Attachments Booklet)**
- 13 ➡ **Sport and Recreation Facilities in Manly - Guiding Principles Policy - former Manly Council (Included In Attachments Booklet)**
- 14 ➡ **Unstructured Recreation Policy - former Manly Council (Included In Attachments Booklet)**
- 15 ➡ **Development Assessment Management Policy - Northern Beaches Council (Included In Attachments Booklet)**

BRIEF REPORT

PURPOSE

To seek Council approval to revoke 14 policies of the former Manly, Warringah and Pittwater Councils and 1 Northern Beaches Council policy.

REPORT

This item was originally reported to the 24 November 2020 Council Meeting where it was resolved as follows:

That this item to be deferred to a special interest Councillor briefing and report to be brought back to the December Council meeting.

Councillors were briefed on this item on Tuesday 8 December.

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

Council's policy framework consists of a tiered approach as outlined below:



This report proposes to revoke 14 policies of the former councils and 1 Northern Beaches Council policy which have been identified as no longer required (attachments 1 – 15). The policies and rationale for revoking them is provided in the table below.

Policy	Reason for revoking
Manly After Midnight Policy (former Manly Council)	This policy has been identified as no longer required as it covers operational matters currently managed by various business units across Council.
Builders' Rubbish Containers Policy (former Manly Council)	This policy has been identified as no longer required as this is covered under the provisions of the Road Act 1993.
Footpath Levels Policy (former Warringah Council)	This policy has been identified as no longer required as the technical specifications and standard for footpath construction are detailed in Council's Engineering Design Standard Drawings.
Placement of Building Waste Containers on Public Roads Policy (former Warringah Council)	This policy has been identified as no longer required as this is covered under the provisions of the Road Act 1993.
Vehicle Access to all Roadside Development Policy (former Warringah Council)	This policy has been identified as no longer required as this is covered under the provisions of the Road Act 1993 and detailed in Council's Engineering Design Standard Drawings.
Acquisition of Corner Splays Policy	This policy has been identified as no longer required as this is

Policy	Reason for revoking
(former Manly Council)	covered under the provisions of the Road Act 1993.
Road Signs Policy (former Manly Council)	This policy has been identified as no longer required as this is covered under Australian Standard 1742.
Special Events (Road Closures) Traffic and Transport Management Plan (former Manly Council)	This policy has been identified as no longer required as this is covered under the provisions of the Road Act 1993.
Speed Restrictions - Signs on Public Reserves and Carparks (former Pittwater Council)	This policy has been identified as no longer required as Northern Beaches Council is treating all carparks as shared zones and as such is applying a 10km/h speed limit.
Events Management Policy (former Manly Council)	This policy has been identified as no longer required as Council adopted the Northern Beaches Events Strategy 2018 – 2023 on 26 June 2018.
Council Event Management – Sustainability Policy (former Pittwater Council)	This policy has been identified as no longer required as Council adopted the Northern Beaches Events Strategy 2018 – 2023 on 26 June 2018.
Sustainable Events Policy (former Warringah Council)	This policy has been identified as no longer required as Council adopted the Northern Beaches Events Strategy 2018 – 2023 on 26 June 2018.
Sport and Recreation Facilities in Manly – Guiding Principles (former Manly Council)	This policy has been identified as no longer required as the guiding principles have now been incorporated into the following; Shape 2028 - Community Strategic Plan (primarily Places for People), the Asset Management Strategy 2018 – 2028, the Sportsgrounds Strategy 2017, Northern Beaches Transport Strategy, Northern Beaches Environment and Climate Change Strategy 2040 and the Asset Management Plans 18/19.
Unstructured Recreation Policy (former Manly Council)	This policy has been identified as no longer required as its contents have been covered in other Council documents, including Community Strategic Plan (primarily Places for People), the Asset Management Strategy 2018 – 2028, Northern Beaches Environment and Climate Change Strategy 2040 and relevant Plans of Management.
Development Assessment Management Policy (Northern Beaches Council)	This policy has been identified as no longer being required as it is covered by the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000, and there have been significant reforms to the management of development applications over the past 18 months.

The proposed revocation of the Public Art and Memorial Policy from the former Manly Council has been deferred until early 2021 when a new draft policy on public memorials will be presented to Council.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts to consider in the revoking of the proposed policies as the policy impact areas will continue to be addressed through existing operational guidance or relevant legislation.

SOCIAL CONSIDERATIONS

Policies are an important tool for Council to communicate its strategic direction to the community and provide visibility of the governance framework in line with Council's key Community Strategic Plan outcome of Good Governance.

GOVERNANCE AND RISK CONSIDERATIONS

There are no changed governance or risk impacts relating to the revocation of these policies, as the policy impact areas continue to be managed with operational and procedural guidance in line with Council's enterprise risk and opportunity management framework and in accordance with the policy framework.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council revoke the following policies:

1. Manly After Midnight Policy (former Manly Council)
 2. Builders' Rubbish Containers Policy (former Manly Council)
 3. Footpath Levels Policy (former Warringah Council)
 4. Placement of Building Waste Containers on Public Roads Policy (former Warringah Council)
 5. Vehicle Access to all Roadside Development Policy (former Warringah Council)
 6. Acquisition of Corner Splays Policy (former Manly Council)
 7. Road Signs Policy (former Manly Council)
 8. Special Events (Road Closures) Traffic and Transport Management Plan (former Manly Council)
 9. Speed Restrictions - Signs on Public Reserves and Carparks (former Pittwater Council)
 10. Events Management Policy (former Manly Council)
 11. Council Event Management – Sustainability Policy (former Pittwater Council)
 12. Sustainable Events Policy (former Warringah Council)
 13. Sport and Recreation Facilities in Manly – Guiding Principles (former Manly Council)
 14. Unstructured Recreation Policy (former Manly Council)
 15. Development Assessment Management Policy (Northern Beaches Council)
-

ITEM 9.5	AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY 2020 2021
REPORTING MANAGER	ACTING EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2020/769997
ATTACHMENTS	1 ⇒ Australian Local Government Association National General Assembly Discussion Paper (Included In Attachments Booklet)

BRIEF REPORT

PURPOSE

To note the opportunity to attend the Australian Local Government Association National General Assembly and consider Notices of Motion to be submitted to the Assembly.

REPORT

The Australian Local Government Association (ALGA) National General Assembly (NGA) will be held in Canberra on 20 to 23 June 2021.

Councillors with an interest in attending the general assembly can register for the event.

There is also an opportunity for Council to put motions to the NGA. Motions will be accepted until 26 March 2021, however in order to be eligible, motions must be endorsed by Council. Therefore the last opportunity for motions to be submitted to the NGA is at the ordinary Council meeting of 23 March 2021.

Criteria for Motions

To be eligible for inclusion in the ALGA NGA business papers, motions must:

1. Be relevant to the work of local government nationally
2. Be consistent with the themes of the NGA
3. Complement or build on the policy objectives of your state and territory local government association
4. Be from a council which is a financial member of their state or territory local government association
5. Propose a clear action and outcome
6. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

To assist in developing motions, the ALGA has released the attached [discussion paper](#).

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

The cost of the attendance per person including registration fees and accommodation is expected to be approximately \$2,200. Costs will be drawn from the annual allocation for conferences in the Councillor Expenses budget in line with the Councillor Expenses and Facilities Policy.

ENVIRONMENTAL CONSIDERATIONS

There are no significant environmental considerations relating to this report.

SOCIAL CONSIDERATIONS

There is benefit in councillors interacting with other metropolitan, regional and rural councils to share knowledge of trends and ideas across the sector.

GOVERNANCE AND RISK CONSIDERATIONS

Costs will be drawn from the annual allocation for conferences in the Councillor Expenses budget in line with the Councillor Expenses and Facilities Policy.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That:

1. Council note the opportunity for councillors to attend the Australian Local Government Association National General Assembly 2021 at their discretion.
 2. Councillors seeking to submit motions for consideration at the Australian Local Government Association National General Assembly bring them forward as Notices of Motion to the March 2021 Council meeting.
-

ITEM 9.6

CONFIRMED MINUTES OF THE STRATEGIC REFERENCE GROUP MEETINGS - AUGUST, SEPTEMBER AND OCTOBER 2020

REPORTING MANAGER

ACTING EXECUTIVE MANAGER GOVERNANCE AND RISK

TRIM FILE REF

2020/685007

ATTACHMENTS

- 1 [Minutes - Partnership and Participation SRG - 5 August 2020 \(Included In Attachments Booklet\)](#)
- 2 [Minutes - Places for People SRG - 6 August 2020 \(Included In Attachments Booklet\)](#)
- 3 [Minutes - Community and Belonging SRG - 12 August 2020 \(Included In Attachments Booklet\)](#)
- 4 [Minutes - Transport and Travel SRG - 13 August 2020 \(Included In Attachments Booklet\)](#)
- 5 [Minutes - Economic and Smart Communities SRG - 19 August 2020 \(Included In Attachments Booklet\)](#)
- 6 [Minutes - Environment SRG - 20 August 2020 \(Included In Attachments Booklet\)](#)
- 7 [Minutes - Extraordinary Environment SRG - 10 September 2020 \(Included In Attachments Booklet\)](#)
- 8 [Minutes - Extraordinary Economic and Smart Communities SRG - 14 October 2020 \(Included In Attachments Booklet\)](#)

BRIEF REPORT

PURPOSE

To report the minutes of eight Strategic Reference Group (SRG) meetings held during August, September and October 2020.

REPORT

The minutes of six ordinary and two extraordinary SRG meetings held during August, September and October are attached for Council to note.

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

The SRGs provide an avenue for the local community and key stakeholders to play an active and meaningful role in contributing to Council's CSP focus areas. They help shape future Council plans, policies and strategic outcomes with informed consideration of community needs across the Northern Beaches area.

In accordance with the SRG Terms of Reference, the minutes of the meetings are reported to Council. Accordingly, the following minutes are provided:

Strategic Reference Group	Meeting Date
Partnership and Participation	5 August 2020
Places for People	6 August 2020

Strategic Reference Group	Meeting Date
Community and Belonging	12 August 2020
Transport and Travel	13 August 2020
Economic and Smart Communities	19 August 2020 14 October 2020 (Extraordinary Meeting)
Environment	20 August 2020 (Ordinary Meeting) 10 September 2020 (Extraordinary Meeting)

LINK TO COUNCIL STRATEGY

The SRGs are aligned to the community outcomes of the CSP in order to address the goals and strategies identified through this plan.

FINANCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

The Environment SRG contributes advice regarding Council's management of the environment and natural hazards in accordance with the CSP outcome areas.

SOCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

The SRGs provide advice to Council regarding CSP outcome areas and are conducted within Council's governance framework.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the confirmed minutes of the:

1. Partnership and Participation Strategic Reference Group meeting held on 5 August 2020.
 2. Places for People Strategic Reference Group meeting held on 6 August 2020.
 3. Community and Belonging Strategic Reference Group meeting held on 12 August 2020.
 4. Transport and Travel Strategic Reference Group meeting held on 13 August 2020.
 5. Environment Strategic Reference Group ordinary meeting held on 20 August 2020 and extraordinary meeting held on 10 September 2020.
 6. Economic and Smart Communities Strategic Reference Group ordinary meeting held on 19 August 2020 and the extraordinary meeting held on 14 October 2020.
-

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1	CONFIRMED MINUTES OF THE COMMUNITY SAFETY COMMITTEE MEETING 8 OCTOBER 2020
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2020/683484
ATTACHMENTS	1 Minutes - Community Safety Committee - 8 October 2020

BRIEF REPORT

PURPOSE

To report the minutes of the Community Safety Committee meeting held on 8 October 2020.

REPORT

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

Discussion at the meeting included:

- Community Safety Plan 2020-2025 Update
- The Northern Beaches Suicide Response Update
- Public Space Vision and Design Guidelines.

The Minutes of the Community Safety Committee meeting of 8 October 2020 were endorsed by the Committee at the meeting of 26 November 2020.

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 8 October 2020.



MINUTES

COMMUNITY SAFETY COMMITTEE

held as an online meeting on

THURSDAY 8 OCTOBER 2020

Minutes of the Community Safety Committee
held on Thursday 8 October 2020 as an online meeting
Commencing at 8 - 10am

ATTENDANCE:

Committee Members

Cr Michael Regan	Mayor – Chairperson
Cr Candy Bingham	Deputy Mayor
Cr Sue Heins	
Cr Kylie Ferguson	
Cr Stuart Sprott	
James Griffin MP	State Member for Manly
Danielle Emerton	Acting Superintendent Northern Beaches Police LAC
Michelle Comito	Catholic Care
Ray Mathieson	Community Representative
Roberta Conroy	Community Representative
Michelle Erofeyeff	Department of Communities and Justice (DCJ)
Drew Johnson	Manly Chamber of Commerce
Susan Consalevy	Manly Warringah Women's Resource Centre
Tony Hilliger	Surf Lifesaving Sydney Northern Beaches
Belinda Volkov	Sydney Drug Education & Counselling Centre (SDECC)

Council Officer Contacts

Melanie Gurney	Acting Director Community and Belonging
Azmeena Kelly	Executive Manager Environmental Compliance
Rob van den Blink	Acting Executive Manager Community, Arts and Culture
Will Wrathall	Team Leader, Community Development
Sue Johansson	Community Development Officer
Helen Askew	Program Support Officer, Youth and Community Development

Visitors

Cr Vincent De Luca OAM	Observer
Louise Kerr	Director Planning and Place
Lea Lennon	Urban Designer
Lorraine Yates	Crime Prevention Officer Northern Beaches Police LAC

1.0 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional custodians of the land on which the meeting gathered, and paid respect to Elders past and present.

2.0 APOLOGIES

Apologies were received from:

Christina Franze	Manly Chamber of Commerce
David Kerr	Director Community and Belonging
Kylie Walshe	Executive Manager Community, Arts and Culture
Melissa Palermo	NASLHD Health Promotion
Michelle Povah	Community Representative
Supt Patrick Sharkey	Northern Beaches Police Local Area Command (LAC)
Trish Bramble	Manly Warringah Women's Resource Centre

The following members were not in attendance:

Doug Brooker	Northern Beaches Liquor Accord
John Kelly	Community Northern Beaches
Luisa de Bont	Community Representative
Stephen Pirovic	Community Representative
Zali Steggall OAM MP	Federal Member for Warringah

State Transit Authority Northern Region have been contacted to seek a new Committee representative.

The Chair reminded participants of the Committee's Terms of Reference in relation to confidentiality and privacy.

3.0 DISCLOSURES OF INTEREST

There were no disclosures of pecuniary or non-pecuniary conflicts of interest.

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

4.1 MINUTES OF COMMUNITY SAFETY COMMITTEE MEETING HELD 6 AUGUST 2020

DECISION

That the Minutes of the Community Safety Committee meeting held 6 August 2020, copies of which were previously circulated to all Members, are hereby confirmed as a true and correct record of the proceedings of that meeting.

5.0 ACTIONS UPDATE

5.1 ACTIONS UPDATE

DISCUSSION

ITEM NO.	ACTION	ACTION UPDATE
6.3	Michelle Comito to circulate the Northern Beaches Youth Alcohol and other Drugs (AOD) Interagency webinar information to the Committee when details are finalised	<p>Committee members are encouraged to participate in this webinar: Youth Services - Alcohol and Other Drugs and the latest on e-cigarettes</p> <p>DAYSS has been delivering vaping/e-cig programs across high schools. Rochelle Bird from Police has also been in contact to possibly join up to go into schools together. DAYSS has also run a presentation for GPs through the SNHN on vapes and e-cigs. DAYSS will be producing information about this to further schools so they are equipped with correct information.</p>
6.3	That the representations about access to Nitrous Oxide be revisited with a view to further Committee advocacy on this issue.	<p>SDECC report that the issue with 'nangs' is there locally available for delivery 24/7. The legislation does not address this legal loophole and requires State intervention to address supply for illicit purposes.</p> <p>James Griffin MP reported that since last year representations to the Minister for Better Regulation have been made and moves to address the loophole are being considered. Similar to the recently changed home delivery of alcohol and requirement for ID, work is underway to address the issue of nitrous oxide supply. It was noted that South Australia have recently implemented legislation which will set a precedent. Timeframe for the changes is unknown.</p> <p>Police report that they have been liaising with store holders and NSW Health in relation to nitrous oxide (nangs) and the sale of vapes (e-cigarettes) to minors with the aim of gaining informal and good faith compliance. This will continue to be monitored with engagement with schools planned for the end of October.</p>

6.0 AGENDA ITEMS

6.1 POLICE REPORT ACTING SUPERINTENDENT DANIELLE EMERTON

DISCUSSION

Acting Superintendent Danielle Emerton and Senior Constable Lorraine Yates Crime Prevention Officer provided an update on local Police matters.

- Comparison between August 2019 and August 2020 crime statistics continue to indicate an overall downward trend.
 - It was noted that COVID19 restrictions may have contributed to the reduction of some crime statistics.
- Stolen vehicles and mental health related attendances however, have increased.
- Police legal action rate comparison has shown an increase, and compared to other regions, is an excellent result.
- The vast majority of recorded robberies have been between parties known to each other with almost all being street level robberies.
- Motor vehicle accidents have followed the downward trend and reflects a decrease over the last 10 years.
- Summer Safety 2020, run in conjunction with Police Transport Command, targeted hotspots with a focus on public transport, public reserves and CBDs including Manly, Dee Why and Mona Vale.
- Current warnings include:
 - Deliberately lit fires in the Dee Why Lagoon area.
 - Increase in stolen boat engines in the Bayview vicinity.
 - General reminder in relation to electronic scams and fraudulent tree lopping, roofing and fencing type scams.
- Northern Beaches Police are continuing to provide support for the COVID19 response and health measures.
- Regular Police patrols occur at East and West Esplanade in conjunction with Council Rangers until 10pm, including afternoon patrols. The recent long weekend feedback from Police and Rangers is that those approached in relation to social distancing and gathering numbers, responded in a positive manner.
- PACER Mental Health clinicians are attending incidents with Police during the hours of 1.00pm-10.30pm. This is an excellent resource for Police and their support liaising with the Northern Beaches Hospital is helpful. Police also follow the Northern Beaches Suicide Postvention Pilot Protocol which involves referral to Community Care Northern Beaches (CCNB). Lifeline signs have proven effective interventions in at least three reported cases.

In response to related items raised within the Police report James Griffin MP advised:

- That the NSW State Government have put significant funding into mental health services during COVID19 and towards organisations like Lifeline. The matter of lack of psychologists on the Northern Beaches was raised by Cr De Luca which will be discussed with James Griffin MP offline.
- That the long weekend COVID19 challenges recently experienced highlighted the State Government's recent launch of the [COVID Safe Summer](#) plan. The success of the plan will rely on the strong relationship between Council and Police, well considered plans and the community coming together to manage the challenges which will be faced over summer.
- Cr Bingham raised the issue of boats mooring in Little Collins and Manly Cove on protected seagrass and penguin areas and request for Water Police to monitor during the increasingly busy summer period.

6.2 COMPLIANCE REPORT

DISCUSSION

Azmeena Kelly provided the Committee with an update on Compliance matters:

- Animal Control. Rangers have recently undertaken 'handling aggressive dogs' refresher training.
- Alcohol Free Zones. Patrol actions and statistics have increased with the warmer weather.
- East Esplanade Patrols. Ranger numbers have increased for the summer season. Overall, visitors were compliant with requests.
- Public spaces were managed quite well over the recent long weekend.
- Illegal bike tracks were highlighted and are being monitored.
- Illegal waste dumping. Investigations continue to identify and pursue offenders.
- Environmental Health. Continued local business engagement in relation to COVID19 safety checks and recently hosted a 'Swap for Good – Contactless Cafes' webinar for small businesses and community groups.

Ray Mathieson congratulated the Rangers on doing an excellent job at East Esplanade.

6.3 COMMUNITY SAFETY PLAN 2020-2025

DISCUSSION

The Committee were provided with an update on the Community Safety Plan and noted the timeline for the Plan's progression.

The Draft Plan is scheduled to be returned to the Community Safety Committee in November.

Meeting attendees provided the following feedback:

- That the Manly Chamber of Commerce be consulted as a stakeholder
- That Council staff refer to a recently released Sports Commission report relating impact of sports uniforms on body image issues, and to consider opportunities for engagement with sporting groups like the Manly Warringah Netball Association
- To consider safety of seniors regarding access paths and lighting safety.

ACTION:

Council staff to contact Ray Mathieson on issues relating to access paths and lighting safety around Manly.

6.4 NORTHERN BEACHES SUICIDE RESPONSE UPDATE**DISCUSSION**

The Committee was provided with a presentation and update on the Northern Beaches Suicide Response Steering Group and other suicide prevention and response initiatives.

Achievements to date are included in the previously shared Progress Report - [Northern Beaches Suicide Response Progress Report - April 2020](#)

Current priority actions include:

- Local Suicide Prevention Network
 - Council continues to work closely with Wesley LifeForce to support the establishment of this community-led local network
- NSW Health funded Community Suicide Prevention Gatekeeper Training Initiative
 - Livingworks Start online training continues to be promoted as well as the development of suicide awareness activities. This will include podcasts for emergency services and webinars highlighting life transitions as high risk factors.
- Lifeline Australia National Hotspot Advisory Group
 - Council continues to be represented on this national group to consider innovative strategies to manage local high risk locations, as well as contributing towards national best practice strategies
- Northern Sydney youth suicide response
 - Council is supporting the development of a Northern Sydney youth suicide response which is being led by Sydney North Health Network (SNHN) and Headspace in Schools. It is understood that outcomes should include better coordination of services and the development of a communication protocol specific to young people to be embedded in all schools for wrap around support.

The Committee provided the following feedback on the Suicide Response:

- Cr Ferguson commented on the amazing working Council is doing in the suicide and mental health area and the community asked that thanks be extended. The work that Lifeline and CCNB undertake was also acknowledged.
- Cr Heins highlighted the need to improve community understanding about entry points to services and supports.
- SDECC commended Council for its coordination of the local suicide response. Drug and alcohol is often intrinsically involved in suicide however hospitals are reluctant to accept acutely suicidal persons who are drug or alcohol effected. It was suggested that both State and Federal governments need to enact mental health reform to address this issue, particularly in regard to public patients and public/private hospital arrangements where patient information is not accessible.

ACTION:

Council to invite SDECC to attend the November Steering Group Meeting as the focus will be Youth, and SDECC can provide alcohol and drug expertise to this discussion.

6.5 PUBLIC SPACE VISION AND DESIGN GUIDELINES

DISCUSSION

The Committee was provided with a presentation relating to The Northern Beaches Draft Public Space Vision and Urban Design Guidelines (PSV&DG). [The Safer by Design – Crime Prevention Through Environmental Design \(CPTED\)](#) key principles included in the Guidelines were noted:

1. Territorial re-enforcement
2. Natural surveillance
3. Access control
4. Space/activity management.

7.0 GENERAL BUSINESS

7.1 Friendship Bench / Buddy Bench

In response to this enquiry Council staff have reached out to Lifeline Northern Beaches and will be engaging with the Local Suicide Prevention Network to see if this concept could potentially translate to our local setting.

Engagement with schools and the buddy bench was also discussed. As a key stakeholder, staff are meeting with SchoolLink Coordinators whose role it is to liaise with Department of Health, Department of Education and all schools across the region.

7.2 COVID19 Summer Action Plan

The Action Plan will be addressed by Council at its meeting on 27 October. The Mayor confirmed that the volunteers are ambassadors who will provide positive messaging in relation to safe distancing with support from Beach Lifeguards and/or Rangers if assistance is required. It is the role of Police to enact enforcement and if necessary, dispersal of crowds.

7.3 Liquor Accord

The Liquor Accord is continuing to meet with Superintendent Sharkey attending the most recent meeting in September.

7.4 Public Space Protection Plan

In August 2019 the Manly CBD Public Space Protection Plan was discussed. The project has now progressed with installation of heavy vehicle mitigation bollards at Manly Wharf, The Corso, Sydney Road and Belgrave Street, currently underway.

7.5 Northern Beaches Mental Health Summit

James Griffin MP highlighted [Baty](#) and the International Convention Centre Panel broadcast involving young northern beaches residents. The event is being held on 19 October and will focus on their experiences during COVID, mental health and resilience. Panel members include local surfer and ambassador, Alex Hayes and Joel Thompson from the [The Mindset Project](#) and Manly Sea Eagles team member. Committee members can view the details at: <https://www.northernbeaches.nsw.gov.au/things-to-do/whats-on/northern-beaches-mental-health-summit>

SUMMARY OF ACTIONS

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
6.3	Council staff to provide feedback to Ray Mathieson on whether any actions relating to access paths and lighting safety are in Council's Road Safety Plan and Pedestrian Plan.	Community Safety Coordinator	
6.4	Council to invite SDECC to attend the November Steering Group Meeting as the focus will be Youth, and SDECC can provide alcohol and drug expertise to this discussion.	Community Safety Coordinator	Prior to 18 November 2020 meeting

The meeting concluded at 9.53am

This is the final page of the minutes comprising 9 pages
numbered 1 to 9 of the Community Safety Committee meeting
held on Thursday 8 October 2020 and confirmed on Thursday 26 November 2020

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1	MINUTES OF THE NORTHERN BEACHES BUSH FIRE MANAGEMENT COMMITTEE HELD 1 SEPTEMBER 2020
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE
TRIM FILE REF	2020/528253
ATTACHMENTS	1 ↓ Bush Fire Management Committee Minutes - 1 September 2020

BRIEF REPORT

PURPOSE

To report the Minutes of the Northern Beaches Bush Fire Management Committee (BFMC) meeting held on 1 September 2020.

REPORT

The Northern Beaches BFMC area comprises 23,525 hectares, of which Council has care, control and management of approximately 13% of the land, with the remainder managed as National Park (46%), private tenure (36%), or by other government agencies (5%).

Under the Rural Fires Act 1997 land owners are responsible for managing bush fire risk on their land. The BFMC consists of a range of agencies and stakeholders such as the fire authorities, land management agencies and community organisations. The BFMC is responsible for coordinating bush fire management across the Local Government Area and Council actively participates in the Committee and sub-committees. BFMC meetings are held quarterly.

An Ordinary Meeting of the BFMC was held on 1 September 2020, the Minutes of which were adopted at the BFMC meeting on 1 December 2020. A copy of the Minutes are attached to this report (Attachment 1).

Matters discussed at the meeting relevant to Council included the following:

- Outlook for the 2020-21 Bush Fire Season
- Review of the 2020-21 Hazard Reduction Program
- Discussion around Mitigation Strategies for the Fire Season
- Update on 2020-21 Manual (Asset Protection Zone) Hazard Reductions
- Update on Fire Access/Fire Trails (FAFT) Plan
- Update on the Northern Beaches Bush Fire Prone Land Mapping
- Update on the Bush Fire Risk Management Plan (RMP)
- Update on the Section 52 Operations Plan
- Emergency Operations Centre (EOC) and Fire Control Centre (FCC) Upgrades Update
- General Business.

LINK TO COUNCIL STRATEGY

Council's participation in the BFMC and ensuing bush fire management throughout the Northern Beaches relates to the following outcomes in the Community Strategic Plan:

- 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 2: Our environment and community are resilient to natural hazards and climate change.

FINANCIAL CONSIDERATIONS

Funding to support bush fire management is included in existing operational budgets and sourced through NSW Rural Fire Service (RFS) grants annually.

ENVIRONMENTAL CONSIDERATIONS

Council staff work with RFS, Fire & Rescue NSW (FRNSW) and contractors to manage environmental risks associated with fire management works such as fire trail preparation, Asset Protection Zone works on Council lands, and prescribed burns. Bush Fire Hazard Reduction Certificates, Reviews of Environmental Factors or approvals under other legislative pathways are undertaken for specific sites as required.

SOCIAL CONSIDERATIONS

The BFMC provides valuable information and advice relating to risk and safety of the community. It includes participation and engagement with a number of key state agency stakeholders. Council works with the fire agencies through this Committee to facilitate community preparedness before and during the bush fire season

GOVERNANCE AND RISK CONSIDERATIONS

The BFMC is conducted in accordance with governance arrangements outline in the Rural Fires Act 1997.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY:

That Council notes the Minutes of the Northern Beaches Bush Fire Management Committee Meeting held on 1 September 2020.



NSW RURAL FIRE SERVICE



MEETING MINUTES

Meeting:	Northern Beaches BFMC
Convened by:	A/Executive Officer – George Sheppard
Attendees:	Yianni Mentis – Northern Beaches Council Chris Munro – Northern Beaches Council Emma Griffen – Northern Beaches Council Matt Horwood – Northern Beaches Council Peter Jensen – Sydney Harbour Trust Mick Morris – Broken Bay Water Police Judy Lambert – NCC/North Head Sanctuary Pat Sharkey – NSW Police Dave Richards – NSW Police Chad Weston – NPWS Peter Bergman – NPWS Rodney Clark – NPWS Kel McNamara – FRNSW Alex Arthur – FRNSW Nick Skelton – Nature Conservation Jenn Le – Sydney Water Sue Heins – Northern Beaches Council Ben Fallowfield – Northern Beaches Council Ian White – Northern Beaches Council - Chairman Scott Crosweller – RFS Angelo Baldo – RFS George Sheppard – RFS Scott Molenaar - RFS
Location:	Warringah Headquarters Rural Fire Brigade Thompson Drive (off Kamber Rd) Terrey Hills
Date and time:	Tuesday, 1 September 2020 Commencing at 1000hrs
Apologies:	Craig Geddes – RFS, Shahan Rizwi – Sydney Water, Warren Cree – RFS, Michael Hrnjak – Sydney Water Police, Josh - MLALC
Minutes by:	DAC – Jodi Cree

Minutes

Meeting Opened: 10:03

1 Welcome

Chairperson, Cr Ian White, welcomed all and acknowledged the traditional land owners.

Welcomed new participants – Angelo Baldo, Pat Sharkey, Chad Weston and Jen Le.

2 Minutes of the Last Meeting

Motion: Minutes from the BFMC meeting held 2 June 2020 are accepted.

Moved: Sue Heins

Seconded: Scott Crosweller

Carried

3 Matters Arising

Nil – covered in Agenda

4 Correspondence In

- 15/6 – 2020/21 Bush Fire Risk Mitigation & Resilience Programme – Round 1 – BFMC Review
- 23/7 – Request to include Spring Cove Estate Manly in the Northern Beaches BFRMP
- 18/8 – BFCC – Reminder Draft Bush Fire Risk Management Plan is overdue

5 Correspondence Out

- 3/7 – Draft Northern Beaches BFMC Minutes & associated documentation

6 Outlook for the 2020-21 Bush Fire Season

More favourable weather expected than last year. Alert level for La Nina has been issued. Generally wetter inland. Will probably weaken around December/January. Greater risk for grassland fires. Along the coast should be wetter than usual. We are currently seeing drier weather.

Should be an average season for us. There has been incredible drying over the past 2 weeks.

There are still helicopters working on the Resolute HR conducted over the weekend. HR plans are in place for all agencies

7 2020-2021 Hazard Reduction Program

The BFMC has completed 4 HR's covering 270 hectares – this is more than was completed last year. Not as many properties protected, however we have directly protected properties in Mackerel Beach, Cottage Point, Allambie Heights and Terrey Hills.

After this meeting, NPWS, FRNSW, NBC & RFS will meet to review HR's. We hope to burn up to 7 days per week for as long as possible whilst the weather holds.

8 Mitigation Strategies for Fire Season

- Challenges for all agencies due to the current COVID situation.
- Community Engagement
 - o Adopting new strategies in line with COVID restrictions.
 - o Online daily messages from Coal & Candle Brigade – How to prepare your property
- Over 90% of properties are damaged or destroyed in a bush fire from ember attack

Northern Beaches is very susceptible due to lower opportunities to undertake hazard reduction burning.

9 2020/21 Manual (APZ) Hazard Reductions

- Round 1 Mitigation funding should have been received
 - o NPWS confirm receipt
- Local Government Funding – is there any move to bring this forward? Received in November last year.
 - o State budget is not released until November. RFS will announce funding thereafter.
- Harbour Trust
 - o Not eligible for state funding as they are federal
 - o Need to investigate other sources of funding

10 Fire Trails / FAFT Plan

FAFT plan was circulated with the Agenda

This is a dynamic document that can be changed. NPWS and NBC have refined.

Motion: Northern Beaches Bush Fire Management Committee (BFMC) support the Draft FAFT Plan. The plan is to be forwarded to the Bush Fire Coordinating Committee (BFCC).

Moved: Nick Skelton (NCC)

Seconded: Chad Weston (NPWS)

Carried

11 Northern Beaches Bush Fire Prone Mapping

Northern Beaches Council (NBC) have signed off

RFS Commissioner has signed

Changes to the plan were not significant overall. It is relatively consistent with the old plan.

The next step is NBC and RFS to clarify the data. This has been sent to Strategic Planning.

The plan covers all of the Northern Beaches LGA.

NCC – How many public comments were there?

- Approximately 40-50 submissions were received, Warringah/Pittwater was fairly consistent with the existing map, however there were a number of changes in the former Manly LGA.

12 Bush Fire Risk Management Plan (RMP)

- Empower the starting of the process from this meeting
- Sub-committee to review prior to public exhibition
- Draft to be ready for approval at the March 2021 BFMC Meeting
- Manly Data had been completed just prior to amalgamation

There was an article in the Sydney Morning Herald regarding invalid Risk Management Plans, Northern Beaches was listed. The plan is still valid however it is past review.

NBC – There are a couple of large assets added or need review

- Northern Beaches Hospital
- Spring Cove

Sub-Committee will meet in the next 2 weeks.

13 Update on the Section 52 Operations Plan

Operations Executive consists of Angelo Baldo (RFS), Kel McNamara (FRNSW) and Chad Weston (NPWS)

NCC – Is the process the same for private contractors?

RFS – we are still seeking advice. We may be assisting with traditional burning this Saturday

How is traditional burning being completed? Who is completing it?

Yarrabin – private land.

- A Hazard Reduction Certificate (HRC) has been provided and Yarrabin has a burn plan. It is programmed to burn over a couple of days. RFS appliances and Community Fire Unit (CFU) will be required to monitor.
- Yarrabin is a private company engaged by some of the land owners in Duffys Forest. Approx. 6-hectare area burn.

We will see more of this. Volunteers may need to sit and monitor. We are seeking further advice.

14 EOC & FCC

NBC – Limited funding is still available for planning in the RFS budget. Building director to meet with relevant parties in the next couple of weeks.

NPWS – interested in being included in discussions

15 General Business

NBC Draft Bushfire Management Policy

- NBC have been preparing a new Bush Fire Management Policy. The policy is currently a confidential draft, but NBC will share with the RFS & FRNSW for comments and suggestions ahead of exhibition.
- Policy is expected to go on public exhibition throughout October.

Ingleside

NBC – Potential sub-committee to review risk and suggested actions from the Meridian report actions

RFS – link to Risk Management plan process. A lot of issues have been identified in the area.

There are 52 areas in Warringah Pittwater BFRMP which are extreme risk. Ingleside is one of them.

Yindela Reserve

- Cr Heins has received resident complaints regarding excess timber in the area
- HR was completed last year
- Excess timber is being removed by Council crews today

Homeless People

NBC - On one night there were approximately 70 people identified across the Northern Beaches as homeless

NPWS – State Government Policy to help and assist those who find themselves homeless to seek support and assistance of relevant government and non-government support organisations.

- Always check prior to an HR
- During a wildfire – aircraft check areas

Community Northern Beaches may also provide some assistance with regards to those who are homeless and living in or near bushland areas.

Meeting closed: 10:53

Next Meeting will commence at 11am with a BBQ lunch to follow.

Table 1: Action items

Ref.	Item description	Owner	Due date	Status
10	FAFT Plan	BFMC	December 2020	BFCC to approve
11	Bushfire Prone Mapping	BFMC	December 2020	Data Clarification
12	Bushfire Risk Management Plan	BFMC	March 2021	Draft for Approval
13	Update of Section 52 Operations Plan	BFMC	Ongoing	Review & Update

Table 2: Documents referred to in the meeting

Document title	Author	Version	Date
2020-2021 Hazard Reduction Program	RFS		26 May 2020
Draft FAFT Plan	RFS		19 August 2020

Table 3: Next meeting

Date	Start time	Finish time	Location
1 December 2020	1100hrs	TBA	Northern Beaches EOC

Addendum to Minutes

A meeting of the Northern Beaches BFMC on Tuesday, 1 December 2020 approved the inclusion of the following addendum to the Minutes of 1 September 2020 provided by Northern Beaches Council.

Northern Beaches Bush Fire Prone Mapping

Timeline for Certification

- The Draft Northern Beaches Bush Fire Prone Land Map 2018 (Draft Map) was placed on public exhibition from December 2018 to January 2019.

- The Map was changed an updated following consideration of all submissions.

- Proposed changes to the Draft Northern Beaches Bush Fire Prone Land Map (Draft Map) were put on public exhibition from Saturday 18 May 2019 until Sunday 16 June 2019.

- 30 August 2019 Council forwarded the Final Draft Northern Beaches Bush Fire Prone Land Map to the Commissioner of the NSW Rural Fire Service for certification.

- November 2019 - RFS advised that they had received submissions outside of the public exhibition period which they were considering as part of certification.

March 2020 - RFS advised they were undertaking the final GIS work needed to incorporate the map into the state layer. RFS advised ongoing delays due to fire activity and additional submissions.

- June 2020 - RFS advised that final BFPL mapping was pending results of additional survey work. RFS advised ongoing delays due to fire activity and COVID.

- 24 July 2020 - NBC CEO wrote to the RFS Commissioner raising concern with the protracted process and submissions being considered outside of the public exhibition period, requesting urgent update and prioritisation of the Bush Fire Prone Land Map.

- July/August 2019 - minor amendments to the draft map in line with the BPFL mapping guidelines.

- 7 August 2020 final RFS certification.

ITEM 11.2	ADOPTION OF MINOR AMENDMENTS TO FLOOD PRONE LAND PLANNING REQUIREMENTS
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE
TRIM FILE REF	2020/698402
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Amended Flood Prone Land Development Control Plan Clause (Included In Attachments Booklet) 2 ⇒ Current Flood Prone Land Development Control Plan Clause (Included In Attachments Booklet) 3 ⇒ Flood Emergency Response Planning for Development in Pittwater Policy (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek Council approval of amendments to Pittwater 21 Development Control Plan (DCP) 2014, Warringah DCP 2011, and Manly DCP 2013 that will simplify and bring further clarity to the way Council manages development and risk on flood prone land in the Northern Beaches.

EXECUTIVE SUMMARY

Proposed minor amendments to the flood prone land planning requirements in the Development Control Plans were approved for public exhibition at the Council meeting of 29 September 2020. The proposed changes are intended to make the Flood Prone Land Clause more concise, simpler to follow and therefore simpler for applicants and residents.

Two associated documents, the “Flood Prone Land Design Standard” and the “Flood Emergency Response Planning for Development in Pittwater Policy” are to be rescinded, as well as clause B3.13 in the Pittwater DCP, as all pertinent information from these has now been incorporated into the amended Flood Prone Land Clause in order to create a “one-stop-shop”. The changes do not change the number of flood prone properties, nor change the information required to be submitted with Development Applications.

During the public exhibition, a “Your Say” web page was established explaining the amendments, with notifications provided to the community via Council’s Northern Beaches and Community Engagement Newsletters. During the public exhibition, there were 1,076 visits to the “Your Say” page, and three submissions were received. One of the submissions was a very detailed review from a practitioner who regularly provides Flood Management Reports for Development Applications. Minor modifications were made to the proposed Flood Prone Land Clause to address the submissions.

Approval is now sought to adopt the amended Flood Prone Land Clause.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council:

1. Adopt the amendments and replace clause B3.11 in the Pittwater 21 Development Control Plan 2014, clause E11 in the Warringah Development Control Plan 2011, and clause 5.4.3 in the Manly Development Control Plan 2013, with the amended Flood Prone Land Clause.
 2. Delete Clause B3.13 from the Pittwater 21 Development Control Plan 2014.
 3. Rescind the Flood Emergency Response Planning for Development in Pittwater Policy.
 4. Notify the above amendments to Development Control Plans in accordance with the requirements of the Environmental Planning and Assessment Act (1979) and associated regulations.
-

REPORT

BACKGROUND

At its meeting on 29 September 2020, Council resolved to publicly exhibit minor amendments to the flood prone land planning requirements.

The Flood Prone Land Clause within the Development Control Plan (DCP) describes the planning requirements for flood prone land. A recent review of the clause has identified an opportunity to simplify the text and incorporate associated standards and policies into a single DCP clause.

The proposed amendments will clarify how Council manages development and risk on flood prone land in the Northern Beaches and create a 'one-stop-shop' for applicants.

The proposed amendments do not affect the number of flood prone properties or change the severity of the controls, and they do not change the type of information required to be submitted with Development Applications.

Flood risk management on the Northern Beaches

There are over 22,000 properties on the Northern Beaches identified as being subject to some level of flood risk. Following Council amalgamation, in August 2017, the flood development controls from the three former councils were harmonised to create a consistent set of controls, so each now has the same Flood Prone Land Clause in the DCP. The Pittwater DCP has two additional flood related clauses, as shown in Table 1 below which outlines the current legislative framework for managing flood prone land on the Northern Beaches.

Table 1 – Current legislative framework for the management of flood prone land

Former Council LGA	LEP	DCP Clauses	Policies
Manly	LEP 2013 – 6.3 Flood Planning	Manly DCP (2013) 5.4.3 Flood Prone Land	Water Management for Development Policy
Warringah	LEP 2011 – 6.3 Flood Planning LEP 2000 – 47 Flood Affected Land	Warringah DCP (2011) E11 Flood Prone Land	Water Management for Development Policy
Pittwater	LEP 2014 – 7.3 Flood Planning LEP 2014 – 7.4 Flood Risk Management	Pittwater 21 DCP (2014) B3.11 Flood Prone Land B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume) B3.13 Flood Hazard - Flood Emergency Response Planning	Water Management for Development Policy Flood Emergency Response Planning for Development in Pittwater Policy

A comprehensive review of the current planning controls for Flood Prone Land identified a number of opportunities to simplify the controls through the removal of superfluous text and rarely used requirements, and incorporating associated standards and policies into a single DCP clause. A

number of discrepancies have also been addressed. These minor amendments will result in a clause which is more concise (10 pages down to 6 pages), simpler to follow and therefore simpler for applicants. A copy of the amended and existing clause can be found in the attachments.

Proposed Updates to the Flood Prone Land Clause

It is proposed to update the current Flood Prone Land Clause in each DCP with the amended version in Attachment 1:

- Pittwater 21 DCP: Clause B3.11
- Warringah DCP 2011: Clause E11
- Manly DCP 2013: Clause 5.4.3

It is proposed to rescind the following clause and documents, as all of the pertinent points have now been incorporated into the amended Flood Prone Land Clause to make it more of a “one-stop-shop” for applicants:

- Pittwater 21 DCP: Clause B3.13
- Flood Prone Land Design Standard
- Flood Emergency Response Planning for Development in Pittwater Policy (found in Attachment 3)

It is proposed to retain the following clause relating to climate change unchanged, and planning controls relating to climate change will be reviewed with a comprehensive engagement process as part of the development of a Northern Beaches LEP and DCP.

- Pittwater 21 DCP: Clause B3.12

Engagement Approach

As per Council resolution 222/20, public exhibition of the proposed amendments was undertaken from 9 October 2020 to 9 November 2020, in accordance with Council’s Community Engagement Matrix. The community was invited to participate in the review through the [Your Say page](#) on Council’s website. The page provided a copy of the amended and existing clause, a summary of the changes, a list of frequently asked questions, and a link to the Flood Hazard Map on Council’s website. The Community was notified twice through Council’s eNews and three times through Council’s Community Engagement Newsletters.

During the public exhibition period, the “Your Say” web page received 1,076 site visits by 911 individual visitors. Three submissions were received. One of these was not actually relevant to the amendments, another was concerned at the lack of controls relating to worsened flooding due to climate change, and the third was a very detailed review from a practitioner who regularly provides Flood Management Reports for Development Applications. In response to the third submission, minor modifications were made to the clause.

Summary of Submissions and Response

A summary of the three submissions and any required changes are provided below. The Control references are numbered as per the updated clause.

Sub-mission	Theme	Changes to the proposed amendments
1	Concerned about the tagging of the property as flood affected, as the creek does not cover the whole property.	No changes, this proposal is not related to the flood affectation of individual properties.
2	Agreed that overall the proposed changes ensure that flood risk is appropriately managed, however was concerned that climate change considerations have been overlooked. "With a changing climate and the potential for increased flooding on the Northern Beaches this should be a key consideration for any future development in the LGA."	The impact of climate change on flooding is investigated in all Council's Flood Studies. Council is currently harmonising our approach to managing the additional flood risk as a result of climate change.
3	<p>Commented that in general the updates were an improvement. Made several suggestions, with reasoning:</p> <ol style="list-style-type: none"> 1. That Control C4 applies to the High Flood Risk Precinct as well as to the Medium Flood Risk Precinct. 2. That Control C6 (b) refer to the flood frequency required for certification. 3. That Control C6 (c) not imply that existing cladding on the ground floor be removed. 4. That Control C6 (d) require wet rather than dry flood proofing. 5. That some allowance is given for the minor reduction in available flood storage due to the volume of structural piers. 6. That where the Flood Planning Level is higher than the Probable Maximum Flood, the lower level be used. 	<ol style="list-style-type: none"> 1. Included Control C4 in High Flood Risk Precinct with limitations depending on the degree of flood risk. 2. Clarified the wording. 3. This was not the intent. Clarified the wording. 4. Removed the word "dry". 5. Added in Control A3: "Consideration may be given for exempting the volume of standard piers from flood storage calculations". 6. No changes, as the FPL must be used even if it is higher than the PMF, as it includes freeboard which accounts for factors such as wind, waves, uncertainties, etc.

The amended clause, including the minor modifications made as a result of the public exhibition as shown above, is attached. Approval is now sought to adopt the amended clause.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Protection of the Environment - Goal 2: Our environment and community are resilient to natural hazards and climate change.

- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.
- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The changes will not increase the number of flood-affected properties or change the overall requirements for development on flood prone land, however it will result in a simpler suite of planning documentation that results in a better community experience.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental implications from the proposed changes.

GOVERNANCE AND RISK CONSIDERATIONS

These changes ensure Council continues to appropriately manage flood risk whilst also ensuring that when the community undertake development in flood-prone lands, the requirements are easily understood and simple to follow.

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1	RESPONSE TO NOTICE OF MOTION 43/2020 - REVIEW OF DEVELOPMENT APPLICATION PROCESS FOR EVENTS
REPORTING MANAGER	MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2020/704205
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To provide a report to Council on how events could become exempt of the Development Application process.

EXECUTIVE SUMMARY

Council, at its meeting of 29 September 2020 resolved as follows:

That:

- 1. The Events Team in consultation with the Planning and Place Division prepare a report on how events could become exempt of the Development Application process, in order to help streamline events within the Local Government Area, by providing an alternate approval process.*
- 2. A report to be provided before the December Council meeting.*

This report responds to Council Resolution 245/20 and describes the approval pathways for the carrying out of events in the Northern Beaches Local Government Area. Approval pathways vary depending on a range of factors, most relevantly the tenure of the land on which the event is to be carried out. In the case of public land, the Plan of Management (POM) applying to the land establishes the framework for Council's management of the land. This report recommends actions to facilitate wider understanding of the approvals process and further investigations towards streamlining events in the Local Government Area.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That:

- As a component part of the project to prepare the Northern Beaches Local Environmental Plan, a review is undertaken of Schedule 2 - Exempt Development provisions.

The review is to include consideration of both the use of public land and private land for the undertaking of events as exempt development. It is also to include development of appropriate criteria for inclusion in Schedule 2 – Exempt Development.
- The Parks and Recreation business unit continue to review and update Plans of Management and ensure that such reviews give consideration to the undertaking of events on the relevant land. Where appropriate, Plans of Management should include appropriate criteria for the undertaking of events on the relevant land that would be consistent with stated management principles and objectives of the Plan.
- The Events team, in consultation with Strategic and Place Planning and Parks and Recreation, develop a guideline that provides information to all users about how events will be planned, managed and delivered in the Northern Beaches Local Government Area.

REPORT

BACKGROUND

Council, at its meeting of 29 September 2020 resolved as follows:

That:

- 1. The Events Team in consultation with the Planning and Place Division prepare a report on how events could become exempt of the Development Application process, in order to help streamline events within the Local Government Area, by providing an alternate approval process.*
- 2. A report to be provided before the December Council meeting.*

The term 'event' encompasses a wide range of activities which can differ significantly, particularly in scale. Hence, the associated potential to impact the land on which the event occurs, the amenity of surrounding areas, the environment, public safety and the transport network also varies significantly. In terms of approval pathways, there are significant differences between public land (including road reserves) and privately owned land.

For the most part, it is the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act), the Local Government Act 1993 (NSW) (LG Act) and the Roads Act 1993 (NSW) (Roads Act) that provide the legislative framework under which Council must operate in managing events on both public and private land.

The carrying out of an event on privately owned land is addressed through the EP&A Act, in particular through the provisions of local environmental plans. However, the carrying out of an event on public land is addressed by both the EP&A Act and the LG Act, and in the case of road reserves, the Roads Act.

If approval is required under the LG Act and/ or the Roads Act, this approval must be obtained irrespective of whether development consent is also required by any local environmental plan (that is, under the EP&A Act). These approval pathways are not interchangeable.

Approvals processes exist to ensure councils appropriately manage the underlying values of the public realm, consider impacts of land use activity on neighbouring lands and ensure public safety and wellbeing when events are undertaken. Due to the differing scale and diversity of activity that is encompassed with the term 'event', there is no one size fits all approach in developing a suitable approvals pathway.

Approvals Process – Community Land

1. Section 68 of the Local Government Act 1993

Section 68 of the Local Government Act (the LG Act) provides that certain activities can be undertaken on public land with approval from Council. The following is an extract from s68 of the LG Act. Those activities include:

Part D Community land

1. Engage in a trade or business
2. Direct or procure a theatrical, musical or other entertainment for the public
3. Construct a temporary enclosure for the purpose of entertainment
4. For fee or reward, play a musical instrument or sing
5. Set up, operate or use a loudspeaker or sound amplifying device

6. Deliver a public address or hold a religious service or public meeting

Community land is land that is in public ownership and is classified as community land under the LG Act. For the purposes of this report, community land includes land owned by Council and land owned by the Crown that is managed by Council (as Crown Land Manager) on behalf of the State.

Referring to the above extract, on community land, Council may approve a wide range of activities that singularly or in combination could encompass events undertaken on such land, whether or not these are undertaken by Council or a private operator or both in combination.

Approval under the LG Act is required whether or not development consent is also required under the prevailing local environmental plan (LEP). That is, even if councils choose to make events exempt development under their LEPs, an approval process is required.

The LG Act requires councils to prepare Plan/s of Management (POM) for community land that they own or manage. It also requires that councils' management of the land must be carried out in accordance with the applicable POM.

2. Local Environmental Plans and Schedule 2 – Exempt Development

Currently, Manly LEP 2013, Pittwater LEP 2014 and Warringah LEP 2011 (the Northern Beaches LEPs) all include Schedule 2 - Exempt Development. This schedule allows Council to nominate development that it deems does not require development consent under the relevant LEP.

(Note that LEPs are made under EP&A Act and this Act defines development to include the use of land.)

Typically, when development is listed as exempt development in Schedule 2 of an LEP, it is subject to criteria that are also included in the listing. The development must meet the criteria to qualify as being exempt development under the LEP.

The current Northern Beaches LEPs all make outdoor use of community land for commercial purposes, exempt development. The criteria to this listing are that the development must be in accordance with the provisions of the LG Act; this in turn requires management of the land in accordance with the applicable POM.

That is, currently under the Northern Beaches LEPs, development consent is not required to carry out events on *community land*, but approval under the LG Act is required.

3. Community land – issues

In summary, currently a wide range of events can be carried out on *community land* under the provisions of section 68 of the LG Act and the exempt development provisions of the Northern Beaches LEPs. However, the carrying out of an event on *community land* must be the subject of an approval under the LG Act and the POM for the land on which the event is to be held must be considered as part of the approvals process.

Currently, Council is responsible for approximately 130 separate POMs. These have been prepared at varying points in time. Some POMs, such as that for Pittwater Rugby Park, take into account the suitability of the land for hosting events of significant scale. The POM includes considerable detail against which council officers can assess the suitability or otherwise of applications to carry out an event. Many POMs do not contemplate this land use. This may not indicate that the land is intrinsically unsuitable for hosting an event; rather, it may indicate preparation of the POM at a time before the current frequency and diversity of events had evolved.

At Northern Beaches Council POMs are being regularly reviewed and updated. The process is governed by the LG Act, and it involves considerable community engagement and is often lengthy.

When POMs do not provide sufficient information to allow assessment of the suitability or otherwise of an event and Council finds that it cannot be guided by the POM alone, then, to ensure a proper and transparent assessment process, it is deemed that the application does not meet the exempt development criteria (of Schedule 2 – Exempt Development under the LEP) and therefore the development application process is activated to a guide suitable and transparent assessment process.

Should the development application be supported, it is usual for Council to issue a concurrent approval under the LG Act. The approval under the Local Govt. Act does not duplicate the development application process. Rather, it is usually brief, providing owners consent to the use of the land and defers to the conditions of the development consent as a means of discharging Council's duty to manage the land under the LG Act.

Hence, differences in the information and guidance provided by different POMs can result in two seemingly similar events being subjected to a different approvals process.

Approvals Process – Private Land

Section 68 of the LG Act covers a range of development types, but does not address events being carried out on private land. Rather, this is addressed through the EP&A Act, and Council's tool for management of events on private land is the Northern Beaches LEPs.

1. Local Environmental Plans and Schedule 2 – Exempt Development

As outlined above under the heading of Community land, Schedule 2 of the Northern Beaches LEPs can list development that is exempt development. This can include development that is carried out on public land or on private land.

However, currently the Northern Beaches LEPs do not include events carried out on private land as exempt development under Schedule 2. Hence, events on private land must undergo a development consent process.

2. Clause 2.8 Temporary use of land.

Ordinarily, development consent can be granted only in respect of development that is permitted by the applicable LEP. However, the Northern Beaches LEPs contain clause 2.8 *Temporary use of land*. This clause allows Council to grant consent to development, irrespective of whether it would ordinarily be permitted on the land or not. It can also be applied in respect of both private and public land. Clause 2.8 incorporates limitations around the number of times per year that the development can operate.

Whilst a development consent is required, this clause offers Council a way to grant consent to an event that, for example, is being proposed to occur on one day each month. Typically, this approach would result in a development consent that includes a range of conditions that may address such matters as hours of operation, maximum capacity to be accommodated, traffic generation and parking requirements and management of acoustics.

Once granted, this consent authorises the on-going carrying out of the event on a regular basis, provided that each time it occurs, it meets the conditions of the consent. Consent granted under clause 2.8 would typically suit, for example, a monthly market carried out on private land, which has been deemed by the development consent process as being suitable for such use.

Should the proponent of the event wish to change its operation at variance to the consent, an application to modify the consent, or a new development application may be required.

3. Private land - issues

No provisions exist within the LG Act that provide for the carrying out of events on private land.

Clause 2.8 can be used to grant a one-off development consent for events that occur on a regular basis, thereby removing the need to gain consent each time that the event is to take place. Such consent requires that all of the conditions of consent will be met each time the event takes place.

Approvals Process – Road Reserves

When events are proposed to take place wholly or in part on a public road, the proponent must seek approval for closure of the road under the Road Act. Council is the Local Roads Authority for council public roads and can grant approval for the temporary closure of a public road to allow for the carrying out of an event on the road reserve.

The proponent of an event (including Council as an event proponent) must submit an application to close the road, including a Traffic Management Plan (TMP) for the proposed event. The approval, if granted, will broadly state what the road reserve is to be used for during the period of closure and may incorporate conditions addressing such matters as where and how traffic is to be diverted how management of traffic (both pedestrian and vehicular) generated by the event is to be undertaken.

When an event is proposed to be carried on both community land and road reserve, an approval under both the LG Act (in relation to the community land) and the Roads Act (in relation to the road reserve), must be given and these will apply concurrently.

A TMP under the Roads Act may be required by Council with any application for an event, irrespective of what land it is carried out on, should Council deem that it is warranted due to the likely impacts of the event on the transport network.

Options for Establishment of Alternate Approvals Process

1. Expanded use of Schedule 2 Exempt Development

It is open to Council to make all events (both on public land and on private land) exempt from the requirement to gain development consent. This could be given effect through the new Northern Beaches Local Environmental Plan.

A broad based approach to the use of Schedule 2 is not recommended. However, a modified approach that captures a specified range of events could be developed, together with the development of suitable criteria that would have to be met in order to allow this exemption to apply.

Private land

The carrying out of events on private land requires development consent and, if made exempt development, there is no alternate approvals process. Hence, if making this exempt development, the criteria that accompany the Schedule 2 notation must be definitive and rigorous.

Review of the LEPs of other metropolitan local government areas has found that generally speaking, the use of Schedule 2 to make events on private land exempt development, is not common. When it does occur, it is usually restricted in its application by criteria such as:

- only on land that is lawfully occupied by an educational establishment, a place of public worship or a centre based child care facility
- must be operated by the owner or occupier of the land
- limit on number of patrons that can attend
- limit on hours of operation.

Of note, City of Sydney Council is currently exhibiting a body of work titled, An Open and Creative City: planning for culture and the night-time economy. This encompasses development of a policy framework and proposed changes to both its LEP and DCP. Amongst other matters, the work

contemplates taking temporary and small scale cultural activities into existing buildings in business and industrial zones.

This work is not yet finalised and has been developed specifically for precincts within the City of Sydney LGA. These locations, for the most part, have distinctly different characteristics to those in the Northern Beaches LGA. Nevertheless, it warrants further exploration in terms of whether or not some of the principles and mechanisms it proposes are suitable to any (or to specific) business and/ or industrial zones in the Northern Beaches LGA.

Removal of the development application pathway in respect of private land has potential to generate risk for Council should complaints arise about the operation and regulation of events. For example, should an event be carried out on land that is a designated parking area for (another) approved use of the site, the event may be operating in contravention of a development consent that applies to the land on which the event is being undertaken.

Public land

Review of the LEPs of other metropolitan local government areas has found that generally, the use of Schedule 2 to make events on public land exempt development is more widely used. Indeed, this is current practice under the Northern Beaches LEPs. Similarly, to the findings for private land, these are often regulated by criteria that place considerable limitations on the type, scale and functioning of the event.

Making events on public land exempt development does not remove the requirement to gain approval from Council under the LG Act and/ or the Roads Act. The level of assessment given under these Acts will vary depending on the scale and potential impacts of the event and may largely mirror a development application process.

Councils' obligations around management of community land are set out under the LG Act. POMs must reflect Council's management regime for the land consistent with these obligations.

2. Plans of Management

To facilitate the approvals process for events on community land, it is necessary to ensure that, with review of POMs, the undertaking of events of various types and scale is given consideration. This goes hand in hand with allowing events on community land to be carried out as exempt development; that is, without development consent.

Some community land may be intrinsically unsuitable for a range of reasons such as biodiversity management, suitability of the surface of the land or type, density and proximity of surrounding land uses. Should this be the case, the POM should be clear about what activities are deemed suitable on the land. It should also be clear that any activities that fall outside of those deemed suitable would therefore not trigger the exempt development provisions of Schedule 2.

Other community land may be deemed suitable to the hosting of events subject to limitations. In some instances, it is appropriate that POMs acknowledge this and establish a suitable set of criteria that provide guidance on how to manage applications for events in accordance with the management regime established by the POM.

The ongoing program for review and update of POMs should continue and should take into account suitability or otherwise for the carrying out of events of various types and scales on the land.

3. Guideline for submitting applications for events

Streamlining the approvals process for the undertaking of events requires understanding of the associated variables. It would be useful to all parties (including proponents of events, the community and those assessing the suitability of events) if a guideline was available to provide understanding of how events will be planned, managed and delivered in the Northern Beaches

LGA, what information is required to accompany the application and what the approvals pathway might look like.

To allow differentiation between events and their likely approvals pathway and timeframes, amongst other matters, the guide could address:

- tenure of the land
- organisers of the event (Council, external organisations, individuals)
- community, social, environmental or economic benefits
- anticipated number of patrons and whether the event is open to the wider community or attendance is limited
- categorisation of events based on anticipated impacts on the event location and surrounds (including impacts on residents, property, environment, Council services, traffic and transport networks)
- information that is to be submitted which may vary across categories such as traffic management plans, noise management plans, waste management plans and WHS/ safety management
- advice about other approvals that proponents may be responsible to seek relating to such matters as liquor licencing, police services, pyrotechnics.

CONSULTATION

Internal dialogue with officers from Events, Parks and Reserves, Property Commercial and Tourist Assets, Transport and Civil Infrastructure and Development Assessment.

TIMING

If the recommendations are agreed to, then recommendations 1 and 3 can be included in the development of the new LEP for Northern Beaches.

Conversely, recommendation 2 is to be undertaken when Plan(s) of Management are up for review.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and Belonging - Goal 10: Our community is stimulated through a diverse range of cultural, creative activities and events.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose minimal financial impact on Council. They rely on existing budgets for staff cost.

SOCIAL CONSIDERATIONS

Events play a key role in making community connections however this needs to be balanced with potential impacts on residents that adjoin/about the places where these events are conducted.

ENVIRONMENTAL CONSIDERATIONS

The recommended pathway is to develop a set of criteria to be considered ahead of allowing an event to take place, and for this criteria to be clearly articulated to ensure the impacts can be assessed as well as implement measures to mitigate such impacts.

GOVERNANCE AND RISK CONSIDERATIONS

Legislative requirements as it relates to the various approval pathways are complied with.

ITEM 12.2	PUBLIC EXHIBITION OF THE DRAFT AVALON BEACH PLACE PLAN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2020/653699
ATTACHMENTS	1 ⇒ Draft Avalon Beach Place Plan - My Place: Avalon (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek Council's resolution to publicly exhibit the draft Avalon Beach Place Plan: *My Place: Avalon* (draft Place Plan).

EXECUTIVE SUMMARY

On 26 April 2017 Northern Beaches Council resolved that:

Council work with local stakeholders to prepare a brief for a project plan and conduct a community engagement program and progress delivery of the Avalon Place Plan as an immediate priority.

In May 2018 the Strategic and Place Planning team commenced the place planning process called *My Place: Avalon* as an approach to planning, design and management of the Avalon Beach Village. The approach centered on the community's connection to their local area and inspired them to work collectively with Council to create a place people love and connect with.

The approach focused on watching, listening and asking questions of the people who live, work and relax in Avalon Beach; to discover their needs and aspirations for the area. *My Place: Avalon* has strongly focused on community participation and involvement during all aspects of the process allowing the development of a draft Place Plan that reflects the desires and aspirations of the community for their special place (attached).

Specific emphasis has been placed on ensuring all members of the community have an opportunity to engage in the process and to share their ideas and thoughts on what is best for Avalon Beach both now and in the future. Community consultation included, the establishment of the Avalon Community Reference Group (Avalon CRG), visioning workshops, Care Factor Survey and Personal Experience (PX) Assessments, pop-up stalls, online surveys and the Avalon Pop-up Plaza event.

The extensive community consultation undertaken has informed the preparation of the draft Place Plan. The draft Place Plan identifies and considers the features that make Avalon Beach a special and unique place now and into the future. It identifies what the community values most and provides an action plan to allow changes that are aligned with the community's current and future needs and aspirations.

The draft Place Plan focuses on public domain improvements over a ten year period, from quick wins such as Dunbar Park playground improvements, through to the proposed redesign of the Old Barrenjoey Road and Avalon Parade intersection, and the introduction of cycleways in-line with the recently adopted *Northern Beaches Bike Plan*.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That:

1. Council place the draft Avalon Beach Place Plan on public exhibition for a minimum of 28 days.
 2. The outcomes of the public exhibition be reported back to Council.
-

REPORT

BACKGROUND

Northern Beaches Council is working to create great places that are vibrant, safe, inclusive and sustainable right across the Northern Beaches.

We have initiated 'My Place', a place planning approach to planning, design and management of local town centres. The approach focuses on people's connection to their local area and encourages them to work with us. It requires us to watch, ask questions of, and listen to the people who live, work and relax in a particular 'place' to discover their needs and their aspirations. Community participation and involvement is essential during all aspects of My Place, so that we can develop a Place Plan that truly reflects community expectations and aspirations.

Avalon Beach is the first centre to undergo the 'My Place' planning process.

The draft Avalon Beach Place Plan (the draft Place Plan) identifies and considers the features that make Avalon Beach a special and unique place. It identifies what the community values most, and provides an action plan that align changes with the community's current and future needs and aspirations.

Place plans are not developed in isolation; they sit within a broader strategic planning framework that includes the Greater Sydney Region Plan, North District Plan, Towards 2040 (our Local Strategic Planning Statement) and other local policies such as local environmental plans and development control plans (see Figure 1).

The Place Plan centres on public domain improvements and programs that aim to support and build capacity within the local community. The plan will not incorporate any changes to the current land use planning controls applying to the area in Pittwater Local Environmental Plan 2014.



Figure 1. Strategic Planning Framework

Study Area

The draft Place Plan is focused on the area within 400 metres of Avalon Beach Village centre. However, a broader area of influence stretches northward to Palm Beach and encompasses the suburbs of Clareville and Bilgola Plateau (see Figure 2 and 3).



Figure 2 Map of Study Area



Figure 3 – Study Area of Influence Map

Initial Knowledge Exchange and Consultation Phase

Community consultation is at the heart of My Place: Avalon. We undertook a range of engagement activities with the Avalon Beach community to gain a clear understanding of their thoughts, passions and aspirations.

After our initial community consultation in May and August 2018, we presented our findings My Place: Avalon, Spotlight on Avalon - Snapshot and community engagement summary, January 2019 (Spotlight on Avalon document). Spotlight on Avalon reported on more than 1,500 contributions and thousands of ideas that reflect the aspirations, visions, values and priorities of this eclectic coastal community.

Additional community engagement built on and refined the initial work. An Avalon Community Reference Group (Avalon CRG) was established which represents a broad cross section of the Avalon Beach community who hold an intimate understanding of the area. The Avalon CRG helped Council to further develop the key issues and actions for Avalon Beach. The Avalon CRG has been an integral part of the development of the draft Place Plan and has worked with Council for nearly three years over nine meetings to refine and present a clear community vision for the future and a range of local solutions and actions to achieve the vision (see Figure 4).

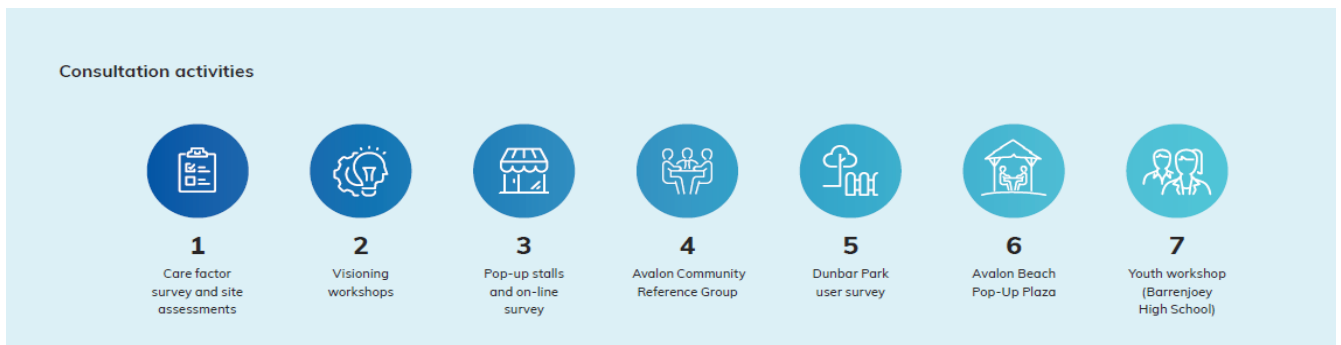


Figure 4 My Place: Avalon Consultation Activities

Vision

The community vision developed with the local community has informed the development of the draft Place Plan and will guide decision making.

The community's vision is that Avalon Beach in 2030 will be:

"A relaxed, peaceful and vibrant coastal village, embracing and nurturing the natural environment, celebrating creativity and community connection."

Preparation of draft Avalon Beach Place Plan

The draft Place Plan is underpinned by guiding principles and values identified by the community and natural features of the area, and includes short term and long term actions.

Five interlinked key principles will guide the realisation of the community's vision. The guiding principles are underpinned by an integrated, sustainable planning approach that balances, economic, environment, social and cultural impacts and opportunities (Figure 5).

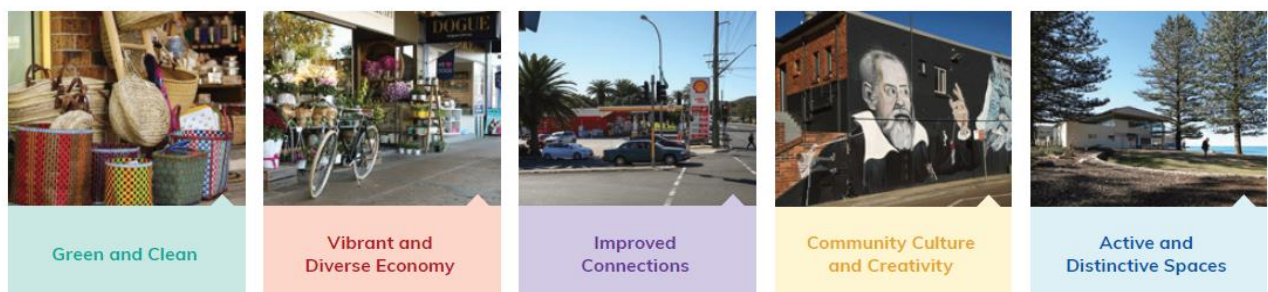


Figure 5 Guiding Principles

Green and Clean	Stewardship of the natural environment that protects and enhances the unique local ecosystem.
Vibrant and Diverse Economy	Providing a vibrant and diverse local economy for growth and resilience that reflects the uniqueness of the area.
Improved Connections	Connecting the community through better links to and within Avalon Beach Village with a focus on sustainable modes of travel and linking bush to beach.
Community Culture and Creativity	Supporting a cohesive community connected through creativity and respecting cultural heritage.
Active and Distinctive Spaces	Creating flexible and distinctively unique public spaces that enhance community integration and experiences.

Avalon Beach Village was grouped into three distinctive place precincts based on existing and future activities. The precincts provide diverse opportunities for positive change aligned to the guiding principles. This includes enhancing community spaces and streetscapes, creating active and lively places for the community to meet, gather and relax, improving connections throughout the Village for pedestrians, cyclists and vehicles and providing new facilities for young people.

The place precincts are Coastal Fringe, Village Hub and Southern Gateway (Figure 6).



Figure 6 Place Precincts

Key Issues

1. Intersection

The question of how to improve the operation, functionality and safety of the intersection of Old Barrenjoey Road and Avalon Parade for pedestrians, cyclists and vehicles is a hotly contested issue. Information gathered from the community has consistently raised and identified safety concerns for both vehicles and pedestrians.

To gain a broader community perspective on this issue and the redesign of the intersection, the Avalon Pop-up Plaza event was held on Saturday 27 July 2019. The event included the temporary closure of part of Old Barrenjoey Road north to allow the community the opportunity to use the temporary pedestrian space created and provide a chance to review and consider the four draft

Avalon Parade and Old Barrenjoey Road intersection design options and provide comments and feedback on the designs.

Overall, the community feedback received during consultation strongly supported a pedestrian plaza for this space, followed by a shared zone (Figure 7). There are a number of traffic movement and distribution challenges for the broader road network associated with a pedestrian plaza. Given this, the preference is a shared zone and to limit movement to one way south bound (Figure 8).

Intersection improvements will achieve a greater balance between pedestrian and vehicle movement to create a safer pedestrian environment within a casual and laid-back village atmosphere.

In moving forward, a temporary one way south bound shared zone of Old Barrenjoey Road north (between Avalon Parade and the entrance to the Woolworths car park) will be established for a trial period (minimum of six months). This will allow the footpath to be widened and the street to be pedestrianised. The installation of street furniture and vegetation will also allow the community to use and experience the space in a new way.

The trial will also provide the opportunity to test the street design concept in real-time so that people can voice their views and provide feedback before a permanent street design is endorsed.

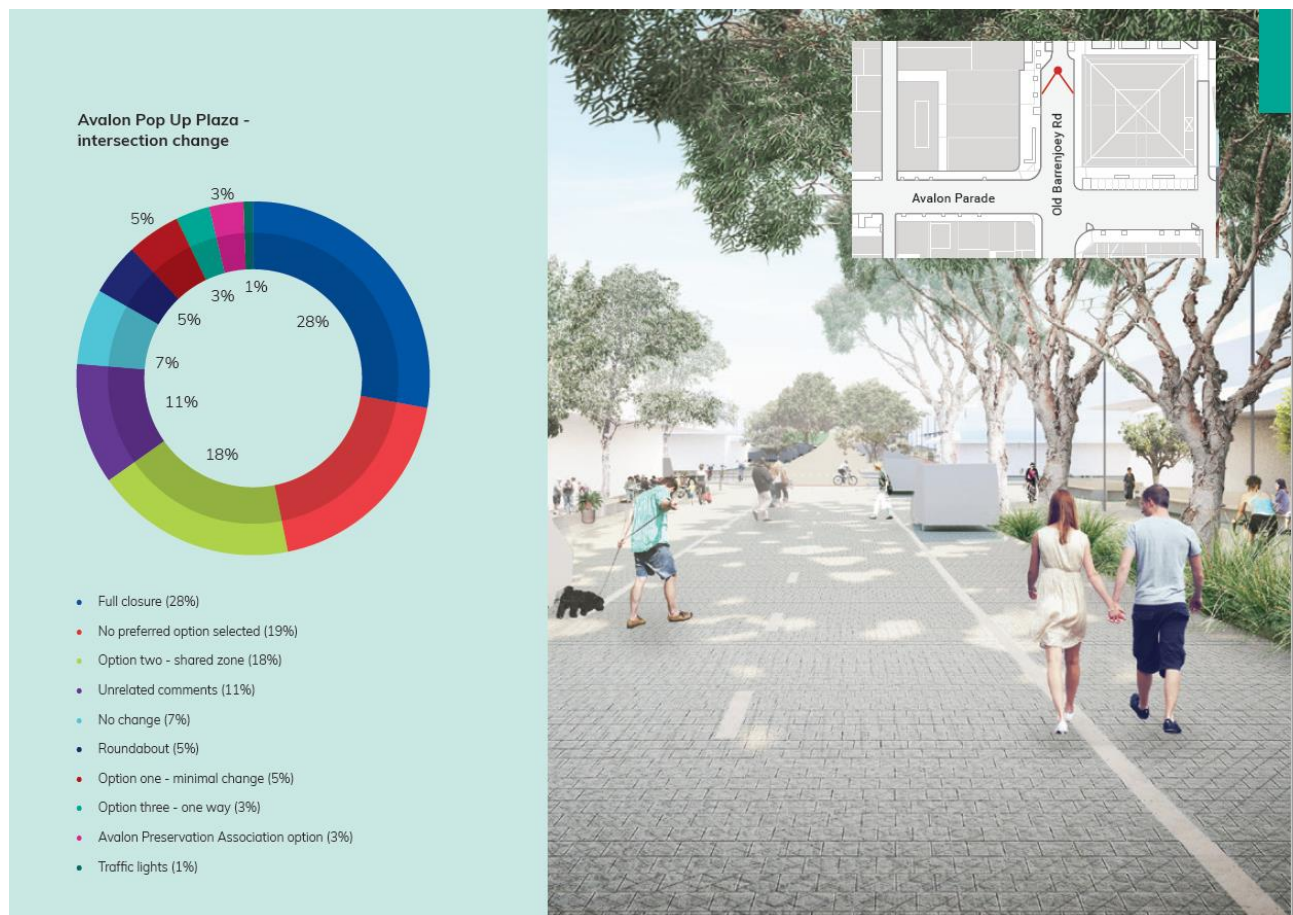


Figure 7 Community Outcome of Avalon Pop-up Plaza Event and Photomontage of Shared Zone

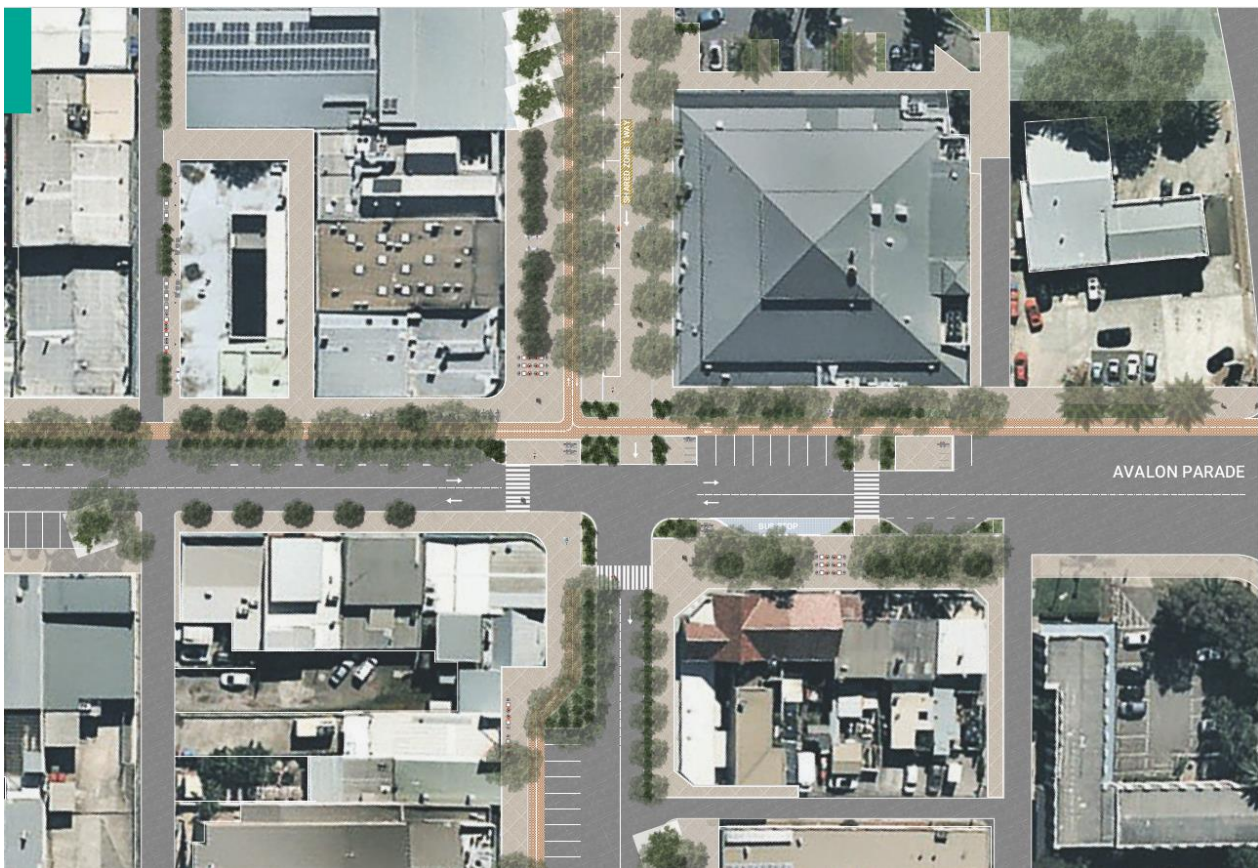


Figure 8 Old Barrenjoey Road Shared Zone 1 way

2. Streetscape

Avalon Beach streetscape is characterised by inconsistent footpath paving and street furniture and underutilised street width in Old Barrenjoey Road (south).

Proposed streetscape improvements include:

Resurfacing footpaths and roads	Street planting and landscaping	Street furniture
Art and performance spaces	Cycleway	Improved street and ambient lighting

The proposed Old Barrenjoey Road and Avalon Parade intersection redesign and the inclusion of designated cycleways throughout Avalon Beach Village (Figure 9) have been the subject of great debate amongst the Avalon CRG; with some members developing an Alternative Pedestrian Bike Path as an alternate option.

At the Avalon CRG Meeting on Wednesday 18 November 2020 agreement was reached to seek Council endorsement to progress the draft Avalon Beach Place Plan to allow broader community engagement. During the meeting it was also agreed that the Alternative Pedestrian Bike Path would also be placed on public exhibition in conjunction with the draft Place Plan.

OLD BARRENJOEY ROAD

PLAN



Figure 9 Plan of Old Barrenjoey Road (south)

3. Loss of Car Parking

The design proposal for the village centre will result in 14 parking spaces being removed. However, 8 of the 14 spaces will need to be removed regardless of the new concept design in order to comply with relevant Australian specifications in relation to the pedestrian crossings.

The Avalon Beach Parking Strategy confirms that the current parking supply will be sufficient to cater for expected demand outside summer peak.

The Strategy contains a range of recommended actions to improve the parking supply, including:

1. Introduction of time restrictions to unrestricted spaces – maximise turnover of spaces
2. Prepare integrated signage plans (assist motorists to find car parking)
3. Increase parking supply near Avalon Beach to cater for peak summer demand (formalise unofficial spaces at the northern end of Avalon Beach car park).

4. Cycleways

Active modes of transport, including cycleways, was identified as the number 1 idea for change by Avalon Beach residents in the Place Score Survey.

Northern Beaches Bike Plan (adopted July 2020) seeks to provide a safe cycling network that is a safe and connected bike riding environment that is separated from motor vehicle traffic and aims to encourage cycling for transport, with a focus on short trips. More than 88% of people participating during the community consultation of the draft Bike Plan supported a safe bicycle network that connects residential areas to key destinations.

Furthermore, the cycleway supports two aspects of the community vision, being Green and Connected, whilst also achieving two of the Guiding Principles, being Improved Connections and Green and Clean.

5. Tree canopy and removal of trees

Every attempt will be made to protect and preserve mature trees during streetscape improvement works. The proposal for Old Barrenjoey Road south does identify the remove of 6 trees in the centre of the road and the beach gateway terracing concept design identifies the removal of approximately 5-6 shrubs and various vegetation.

Other concept designs do not require further mature tree removal, however this cannot be confirmed until detailed design is undertaken and full impact of the root zone is individually assessed.

The concept plans and action plan also detail extensive replacement planting throughout the village including investigating opportunities to naturalise Careel Creek and other stormwater drainage systems.

6. Beach Gateway bus stop design concept, including terraced seating area design

The slope of the hill presents a range of challenges to achieving suitable outcomes in the vicinity of the intersection and bus stop. The narrow width between the road reserve and slope make it difficult to design a suitable solution that allows the through movement of people and cyclists with bus patrons.

The terracing of the area allows additional width to be achieved at the footpath level, and the lower terraces can be designed as seating to allow breakout seating opportunities for people waiting to catch buses, which supports social distancing requirements.

Relocation of the bus stop to the north of the current site is not supported by Transport for NSW.

Implementation and Timeframe

The draft Place Plan is a framework for community-led action. It seeks to achieve the future vision for the area through actions and precinct design proposals, and provides recommendations for enhancing and revitalising Avalon Beach through public space and infrastructure improvements, programs, events and activations.

The Place Plan will be implemented through a staged approach, with each action allocated an indicative timeframe for delivery. Indicative timeframes include:

- Quick wins <2 years
- Short-term 1 - 3 years
- Medium-term 3 - 5 years
- Long-term 5 - 10 years.

CONSULTATION

The draft Place Plan will be exhibited in-line with *Northern Beaches Community Participation Plan (CPP)*. Council will adopt the 'involve and collaborate' community participation approach in which Council will respond to the community's views by conducting targeted engagement to seek specific input on the draft Place Plan. There is no statutory mandatory timeframe for the exhibition of Place Plans. The CPP however establishes a non-mandatory exhibition timeframe for Place Plans of 28 days.

The exhibition will be supported by a diverse range of engagement activities, including:

- Pop events during the public exhibition period
- Online community survey
- Information placed on Council's 'You Say' project web page including on-line submission form
- Copies of the draft Avalon Beach Plan being made available in the Mona Vale Customer Service Centre and Avalon Beach Library
- Avalon Beach residents will be informed by mail of the public exhibition period prior to the draft Place Plan being exhibited.

TIMING

The draft Place Plan will be placed on public exhibition for 28 days with all submissions received during this period being reviewed and considered. The results of the public exhibition and the final Place Plan will be reported back to Council for consideration and endorsement.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 7: Our urban planning reflects unique character of our village, natural environment and is responsive to the evolving needs of our community.
- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.

Furthermore, the report also relates to the following Council strategies:

Northern Beaches Local Strategic Planning Statement

Priority 17 Centres and neighbourhoods designed to reflect local character, lifestyle and demographic changes.

Action: 17.2 Implement place planning, starting with Avalon, Manly and Mona Vale, that applies a place-based approach to planning for local character and responds to the findings of the LEP studies; and develop a rolling program of place plans for areas undergoing change.

Priority 20 Sustainable local transport networks.

Action: 20.5 Prepare place plans that encourage active travel and use of emerging technology, such as public domain improvements and bike parking.

Northern Beaches Council Delivery Program 2020 – 2024

Avalon Beach Place Plan is outlined in the Delivery Program 2020 -2024 for the 2020 -21 Operational Budget.

FINANCIAL CONSIDERATIONS

The preparation and finalisation of the draft Place Plan is identified in Council's Community Strategic Plan under Places for People, Goal 7 and Goal 8 and the Delivery Program 2020-2024 (Delivery Program), Operational Plan and Capital Works Program.

The recommendations and actions outlined in the draft Place Plan have been developed in consultation with internal stakeholders, specifically the Parks and Recreation and Transport and

Civil Infrastructure business units. Short term actions are appropriately funded and identified in Council's Delivery Program, Operational Plan and Capital Works Program, using development contribution reserves from Northern Beaches Section 7.12 Contributions Plan.

The medium and long term actions identified under the draft Place Plan beyond the Delivery Program 2020-2024 are currently not funded as they fall outside of Council's budget planning cycle. Detailed discussions on the actions, including prioritisation and timing, have been undertaken with Council's Parks and Recreation and Transport and Civil Infrastructure teams.

SOCIAL CONSIDERATIONS

The *My Place: Avalon* project has centred on extensive upfront community participation and involvement expanding over a number of years. The process undertaken has been inclusive and sought to encourage all members of the community to work collectively with Council to shape the future of their 'place' and develop local solutions to local problems.

The public exhibition of the draft Place Plan will provide further formalised opportunities for the broader Avalon Beach community to participate in the Place Planning process allowing the community to shape the finalisation of the draft Place Plan.

ENVIRONMENTAL CONSIDERATIONS

The exhibition of the draft Place Plan will not have any adverse impact on the natural environment.

GOVERNANCE AND RISK CONSIDERATIONS

Given extensive upfront community consultation and internal stakeholder engagement, the *My Place: Avalon* project and draft Place Plan risks have been mitigated.

ITEM 12.3	PUBLIC EXHIBITION OF THE NORTHERN BEACHES LOCAL HOUSING STRATEGY
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2020/515988
ATTACHMENTS	<p>1 ⇒Northern Beaches Local Housing Strategy (Included In Attachments Booklet)</p> <p>2 ⇒Local Housing Strategy Guideline (Included In Attachments Booklet)</p>

SUMMARY

PURPOSE

To seek Council's endorsement to publicly exhibit the draft Northern Beaches Local Housing Strategy.

EXECUTIVE SUMMARY

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

Northern Beaches Council's LHS must meet a 5-year housing target to 2021 of 3,400 dwellings, develop a 6-10 year housing supply target, and identify likely demand for housing to 2036 and actions to meet that demand, including affordable housing.

In conjunction with staff, Council's consultants, SGS Planning and Economics, have prepared a draft Local Housing Strategy (Attachment 1) for the Northern Beaches Local Government Area for Council's endorsement for public exhibition.

Key findings of the draft LHS work include:

- We need to plan for a population increase of around 23,000 people to 2036, requiring around 12,000 new homes.
- We have existing capacity (land already zoned) to provide around 10,750 dwellings, when including the Frenchs Forest Planned Precinct.
- Because the difference between existing capacity and projected demand is small (approximately 1,250 dwellings) there does not need to be major redevelopment to meet this demand in the short term.

However:

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

The draft LHS proposes the following approach meeting housing demand to 2036:

- New medium to higher density housing will be focused within a one-kilometre radius of selected existing centres on the B-Line, including Brookvale, Dee Why, Mona Vale, Manly Vale and Narrabeen.
- Low to medium density housing will be targeted to a one-kilometre radius of local centres including Avalon, Newport, Warriewood, Terry Hills, Belrose, Forestville, Beacon Hill, Freshwater, and Balgowlah.
- Areas with environmental or other constraints would be excluded.
- The areas within one-kilometre of B-Line centres will be subject to place planning; addressing local character, heritage, environmental matters, and infrastructure provision e.g. open space and transport.
- The community will be strongly engaged during the place planning process.
- New housing will be attractive and sustainable; designed to reduce energy and water use and take advantage of natural elements such as breezes and heat.
- Establishing a target to provide 1,880 new social and affordable housing dwellings by 2036 and developing a specific strategy to meet this target.
- If a second B-Line to Chatswood goes ahead, centres such as Forestville and Beacon Hill could be an additional focus for medium to higher density renewal.

Where Council can demonstrate that demand for boarding houses, seniors housing and medium density housing will be met through this local approach, it will seek exemption from housing-related State Environmental Planning Policies which have often resulted in poor environmental planning outcomes in the LGA.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That:

1. Council place the draft Northern Beaches Local Housing Strategy on public exhibition for a minimum of 28 days.
 2. The outcomes of the public exhibition of the Local Housing Strategy be reported to Council.
-

REPORT

BACKGROUND

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

Council was required to prepare a Local Strategic Planning Statement (LSPS) (adopted on 26 March 2020), review its Local Environmental Plans (LEPs) to ensure they align with the planning priorities identified in these plans, and prepare a Local Housing Strategy for the period 2016-2036 (LHS) (see Figure 1).

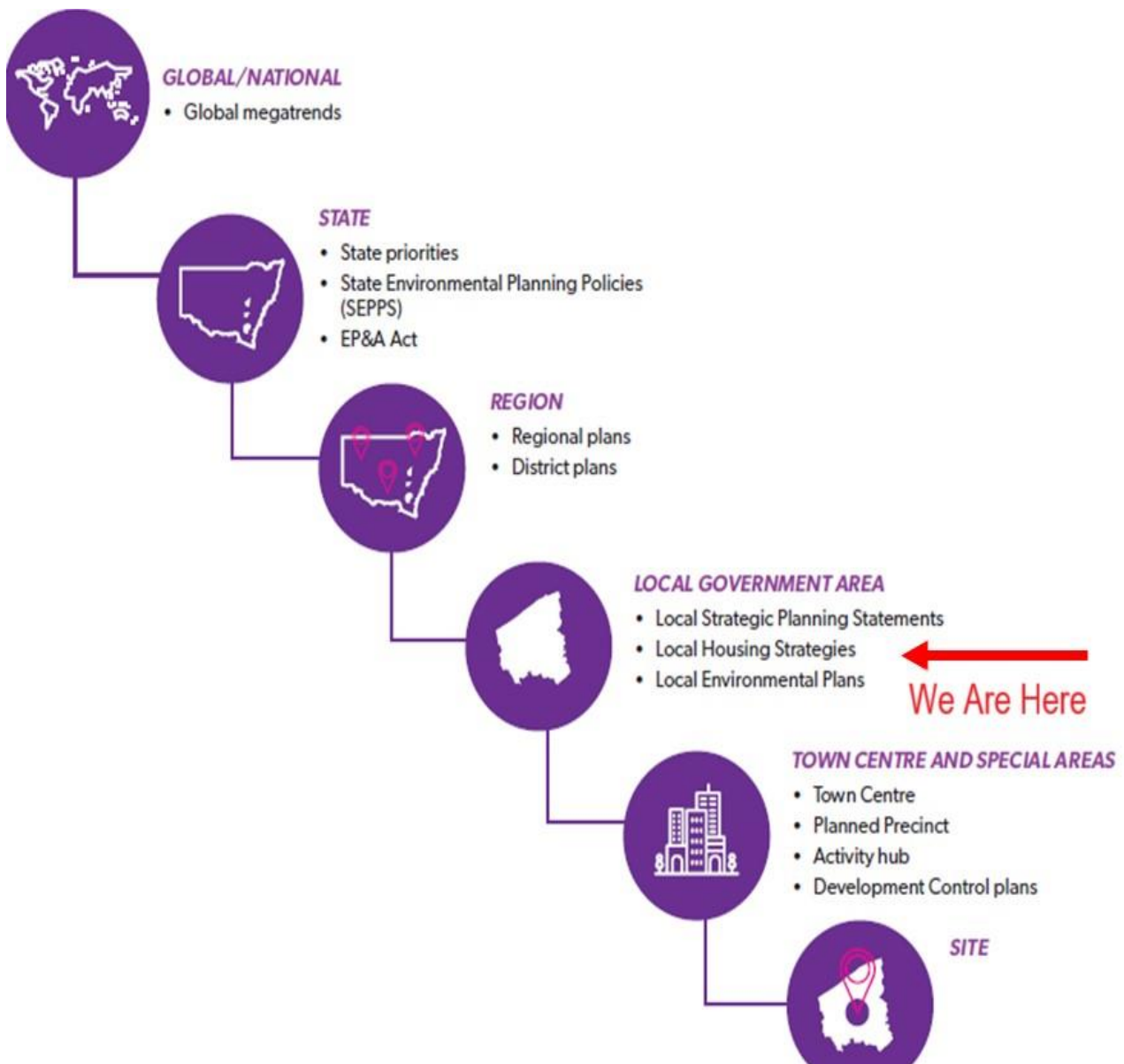


Figure 1 : Local Housing Strategies in context

The *North District Plan* housing planning priority N5 is to provide housing supply, choice and affordability, with access to jobs, services and public transport. The plan assigns a 20-year (2016-2036) strategic combined housing target of 92,000 dwellings across the North District's nine council areas. It divides the 20-year delivery period into 5-year segments each with housing delivery expectations as follows:

0-5 year period (2016-2021)

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

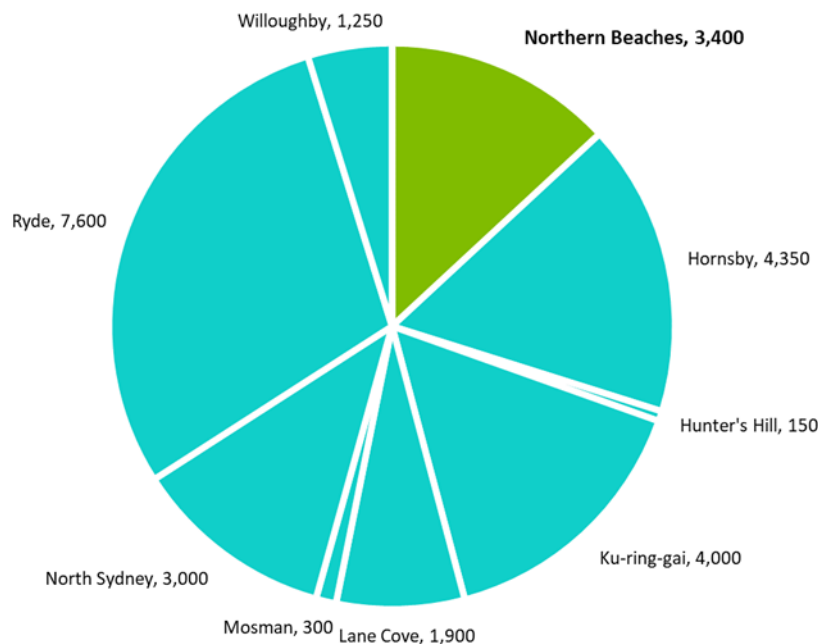


Figure 2 : Dwelling targets for the North District

6-10 year period (2021-2026)

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

10-20 year period (2026-2036)

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

Local Strategic Planning Statement (LSPS)

Towards 2040 is the Northern Beaches' LSPS. It sets out to guide future land use across the LGA, reflecting local values and aspirations, and building on the 10-year vision set out in the Shape 2028 Community Strategic Plan. Key principles for housing under the LHS include:

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

The LSPS also includes a range of other priorities, principles, actions and measures, with many of these related to ensuring that the built environment respects existing character, contributes to

sustainability, and improved liveability, focussing on areas surrounding strategic and local centres and to prepare and implement a LHS.

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

Local Housing Strategy Overview

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

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

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

The LHS has been prepared in accordance with the Local Housing Strategy Guideline (Attachment 2) prepared by NSW Department of Planning, Industry & Environment (DPI&E) (which includes a template prescribing how councils must undertake the housing analysis and develop the local housing targets to guide growth to 2036) and LSPS housing priorities. The draft LHS is structured as follows:

- The purpose of the LHS
- Background analysis and evidence that supports the strategy
- The spatial options for the location housing that have been explored
- Implications for social and affordable housing and sustainability
- The planning approach for centres across the LGA
- Strategies and targets to implement the LHS.

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

As the LHS intends to address the delivery of more affordable and diverse housing in a locally acceptable manner, Council will seek exemptions from the following NSW Government State Environmental Planning Policies (SEPPs) together with the implementation of the LHS:

- Seniors housing under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Boarding houses under State Environmental Planning Policy (Affordable Rental Housing) 2009
- Medium density housing under State Environmental Planning Policy (Exempt and Complying Development Code) 2008.

Local Housing Priorities

The following housing priorities have also been established in the LHS to guide housing provision in the Northern Beaches over the next 20 years.

Priority 1 – Housing targets

As required by the District Plan, the LHS has developed dwelling targets/projections for the LGA. These are net targets/projections, derived from DPI&E's population projections, and reflect the dwellings projected to be required to meet the LGA's dwelling demand to 2036.

Priority 2 – Detailed planning for centres

As detailed within the LSPS, the spatial approach for new housing is based on building in long-term capacity for growth around key centres with good transport accessibility, respecting the existing scale and character of centres, while increasing housing diversity and affordability. The LHS describes the spatial framework for housing across the LGA, including the approach for renewal around B-Line centres, identifying environmental constraints, boundaries for investigation for future renewal, and high-level estimates of potential additional dwelling yield.

Priority 3 – Social and affordable housing

The LHS adopts a social and affordable housing target of 1,880 dwellings being the projected additional demand for social and affordable dwellings across the LGA to 2036. It is important to recognise that Council's draft affordable housing contributions scheme will not be enough on its own to deliver on the target. As such, other options and mechanisms will need to be investigated and considered through a comprehensive strategy and approach. These might include:

- Contributions negotiated through Planning Agreements
- Wider adoption of inclusionary zoning
- Redeveloping underutilised or surplus Council-owned sites or community-owned sites
- Direct cash contribution
- Joint ventures with community or private partners.

Priority 4 – precinct sustainability and housing

To achieve the broader LSPS sustainability initiatives, Council will need to investigate and understand how different approaches and initiatives may be able to be incorporated into urban renewal opportunities in the LGA. A framework for development proponents to consider and work within will be necessary. This should be prepared in parallel with, and as an input to the first detailed centres planning exercise.

Priority 5 – Planning for seniors housing

With the ageing of the Northern Beaches population, it is important for Council to plan for a variety of housing types in the right locations to meet the needs of this group. It is proposed to provide a locally relevant approach to the provision of housing for seniors in accessible locations.

Evidence Base Key Findings

Demographic Forecasts

The Northern Beaches LGA population is forecast to grow from 265,468 people in 2016 to 288,431 in 2036, representing an increase of around 22,963 people (8.7% growth or 0.4 per cent annual growth rate). The DPIE population projections utilised in the draft LHS were developed prior to the COVID-19 pandemic, which will, at least in the short term, impact population growth within the Northern Beaches LGA. The Strategy identifies that changes to migration patterns, population growth and the housing market due to COVID-19 are expected, but it is difficult to accurately assess how significant these trends will be over the short, medium and long term. It is important to note that the LHS will require regular review to reflect future revised projections.

The Northern Beaches has an increasingly ageing population, with a continued increase in the number of retirees and mature adults forecasted. Couple families with children are projected to continue to be the most common type of household in the LGA, followed by couples with no children and lone person households.

Average household size is predicted to reduce slightly from the 2016 level of 2.74 persons to 2.61 persons per household by 2036, with the ageing population and shifting household types, combined with affordability issues changing demand for different housing types.

Housing supply and demand

Housing capacity

Separate detached houses remain the most common form of housing in the LGA, making up over 50% of dwellings, followed by apartments (35%) and semi-detached dwellings (10%). Multi-unit dwellings also account for the most recent development approvals and completions in the LGA, however growth has also been seen in the completion of secondary dwellings, boarding houses and seniors living developments.

Based on the projected population growth for the Northern Beaches, there is estimated to be demand for an additional 11,995 dwellings from 2020 to 2036, with the majority of this demand expected to be for flats, units or apartments, followed by semi-detached houses and separate houses.

Land which is currently zoned and proposed to be zoned for development e.g. French Forest, will not be sufficient to meet this demand, with feasible capacity being around 10,751 dwellings in the LGA to 2036, leaving a shortfall of 1,244 dwellings to 2036.

The demand for detached dwellings however is not likely to be accommodated given environmental and other constraints. The current planning framework is also not delivering housing diversity, which is needed to meet the needs of the changing population and to address housing affordability.

Housing diversity and affordability

The term 'social housing' includes subsidised public and community housing, where eligibility is defined by the government.

'Affordable housing' is different and is open to a broader range of households than social housing (affordable housing is often targeted towards so-called key workers such as nurses or cleaners with low to moderate incomes).

Social and affordable housing (SAH) is the collective term for both these types of housing.

In 2016, there was demand (made up of households experiencing either moderate or severe rental stress or homelessness) for approximately 9,100 social and affordable dwellings (SAH) in the

Northern Beaches. With only a modest supply of approximately 1,000 SAH dwellings, there is an existing significant unmet demand of 8,100 SAH dwellings (in 2016). This demand is expected to grow by another 1,800 SAH dwellings to 2036.

Affordability is expected to continue to decline with the delivery of new affordable housing well below the pace of population and dwelling growth.

Boarding houses

Boarding house developments can include both traditional boarding houses and so-called 'new generation' boarding houses (which are similar to small apartments with some common areas). Under the right controls, boarding houses can provide an alternative affordable housing option.

It is estimated that an additional 343 single (or 172 double) boarding house rooms will be required from 2016 to 2036 (based on the boarding house share of total demand and population growth to 2036)

Taking into consideration boarding house rooms constructed since 2016 (an additional 241), and assuming single room occupancy (if occupancy was double rooms then demand would be met), 102 single rooms would be required to accommodate the demand to 2036. Based on the average number of rooms per development (approximately 20 across all development zones), this equates to approximately 5 additional boarding house developments to 2036.

Seniors housing

There is expected to be significant demand for all types of seniors housing as the population ages.

Based on the projected future age profile of the LGA, there will be a high level of demand for both retirement villages and nursing homes by 2036.

With the projected age profile of the LGA, and factoring in additional supply created since 2016, there will be demand for an additional 1,716 self-contained retirement village units ('standard' housing generally targeted to over 55's), 502 assisted living units (with some support facilities), and 765 nursing home beds (offering end of life care).

Medium density renewal

The long term approach for adding capacity for growth is around key centres with good transport accessibility, respecting the existing scale and character of centres, while increasing housing diversity and affordability.

Implications of changing demographics and affordability

The projected growth in the population will drive demand for new and potentially different forms of housing. Increased diversity will be important to address both the changing needs of the population, and provide more affordable smaller housing options to help address declining housing affordability.

Consideration will need to be given to planning for alternative housing forms to meet the needs of different population segments:

- Family households are growing and need different housing options such as larger apartments, more affordable medium density options (such as townhouses), or detached dwellings (vacated by downsizing households).
- The age profile of the LGA is already shifting towards an older population overall, with a decline in young adult and adult age groups.

- An ageing population needs manageable dwellings close to services (the Northern Beaches also has a high rate of underutilisation where small households are living in large properties (e.g. with a larger number of bedrooms than needed)).
- Younger households need affordable housing close to jobs and study opportunities.
- Key workers need affordable housing options near where they work. Affordability remains very low for households in key worker income ranges e.g. based on average nurse wage rental affordability is severely to extremely unaffordable (see Rental Affordability Index (RAI)).
- Predominately detached housing exists on the Northern Beaches, and although more apartments have been constructed recently a diversity of housing required to meet changing preferences and cost pressures; otherwise inefficient mismatch for types and locations of dwellings will continue.

Spatial options for new housing

Council's LSPS sets out the spatial framework for housing growth in the LGA (see Figure 3), which has informed the proposed land use planning approach in the LHS to deliver housing supply (with a long-term capacity for growth), whilst seeking to address housing diversity and affordability in the Northern Beaches.

Generally, Council's proposed approach in the LHS is to:

1. Continue Council's long-term housing approach of concentrating residential density in and around centres and relying on the existing capacity of current land use planning controls.
2. Concentrate medium to higher density urban renewal within 1km of five accessible centres (Brookvale, Dee Why, Mona Vale, Manly Vale & Narrabeen) along the B-line corridor subject to future detailed planning taking into account the unique circumstances, characteristics and constraints for housing inclusive of the provision of supporting infrastructure.
3. Focus greater housing diversity within 1km of other local and neighbourhood centres on transport corridors (current and future B-line routes) whilst seeking to limit the operation of certain SEPPs by restricting certain low-medium density, boarding houses and seniors housing.
4. Develop an affordable housing strategy to explore the range of mechanisms to deliver SAH initiatives and investigate sustainability initiatives.

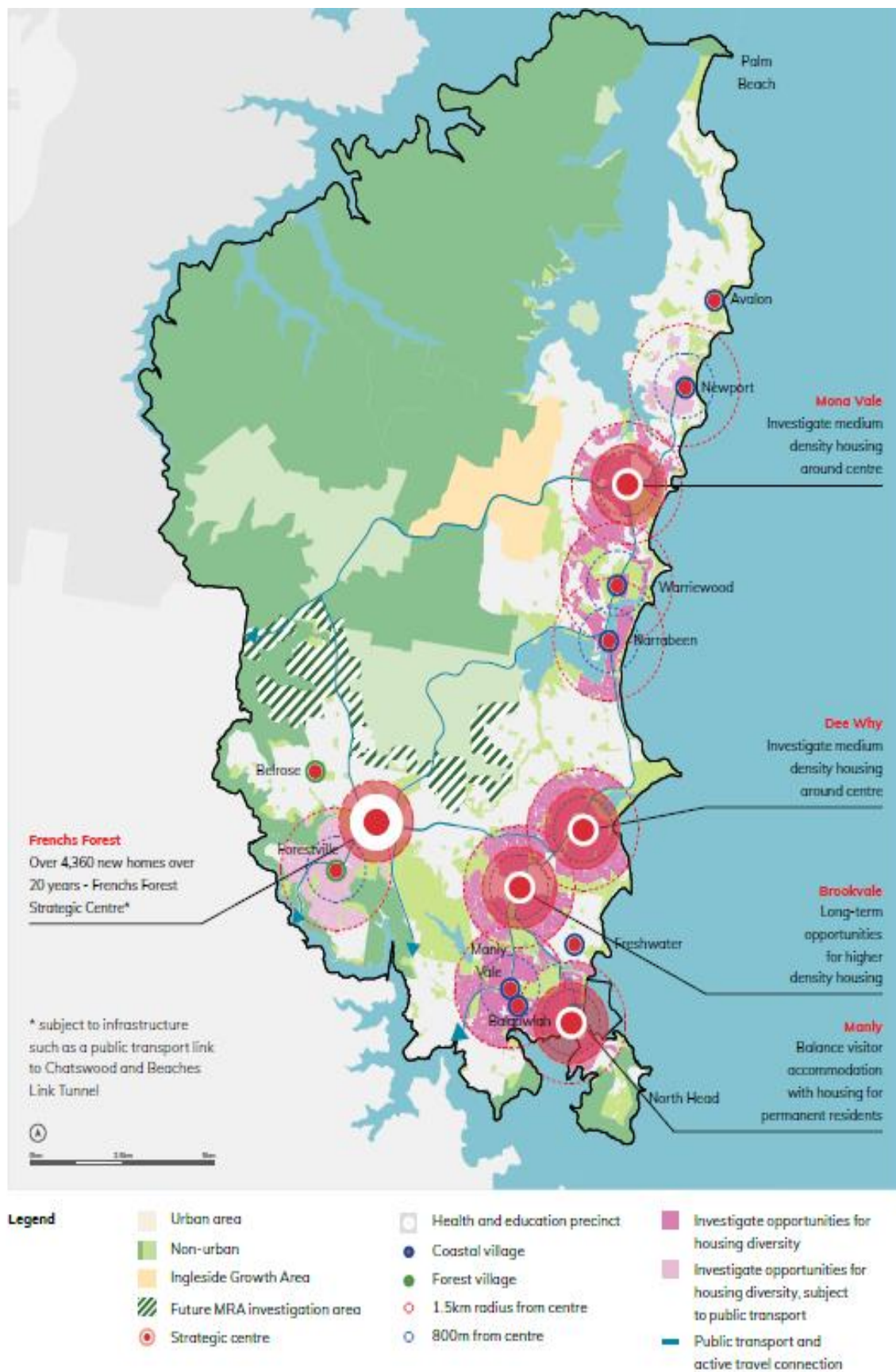


Figure 3 : Local Strategic Planning Statement Housing Opportunities Map

Medium – Medium high density development

The preferred approach for the Northern Beaches is based on adding long term capacity for growth around key centres with good transport accessibility, respecting the existing scale and character of centres, while increasing housing diversity and affordability.

Priorities for renewal in the medium to long term are identified as centres along the B-line – Brookvale (potentially first to complement the work currently being undertaken on the Brookvale Structure Plan), Dee Why, Mona Vale, Manly Vale and Narrabeen (See Figure 4). These centres will be subject to detailed future investigations taking into consideration the unique characteristics and constraints for housing around each centre inclusive of the provision of supporting infrastructure. Other centres on the B-line have not been identified due to local environmental and other constraints.

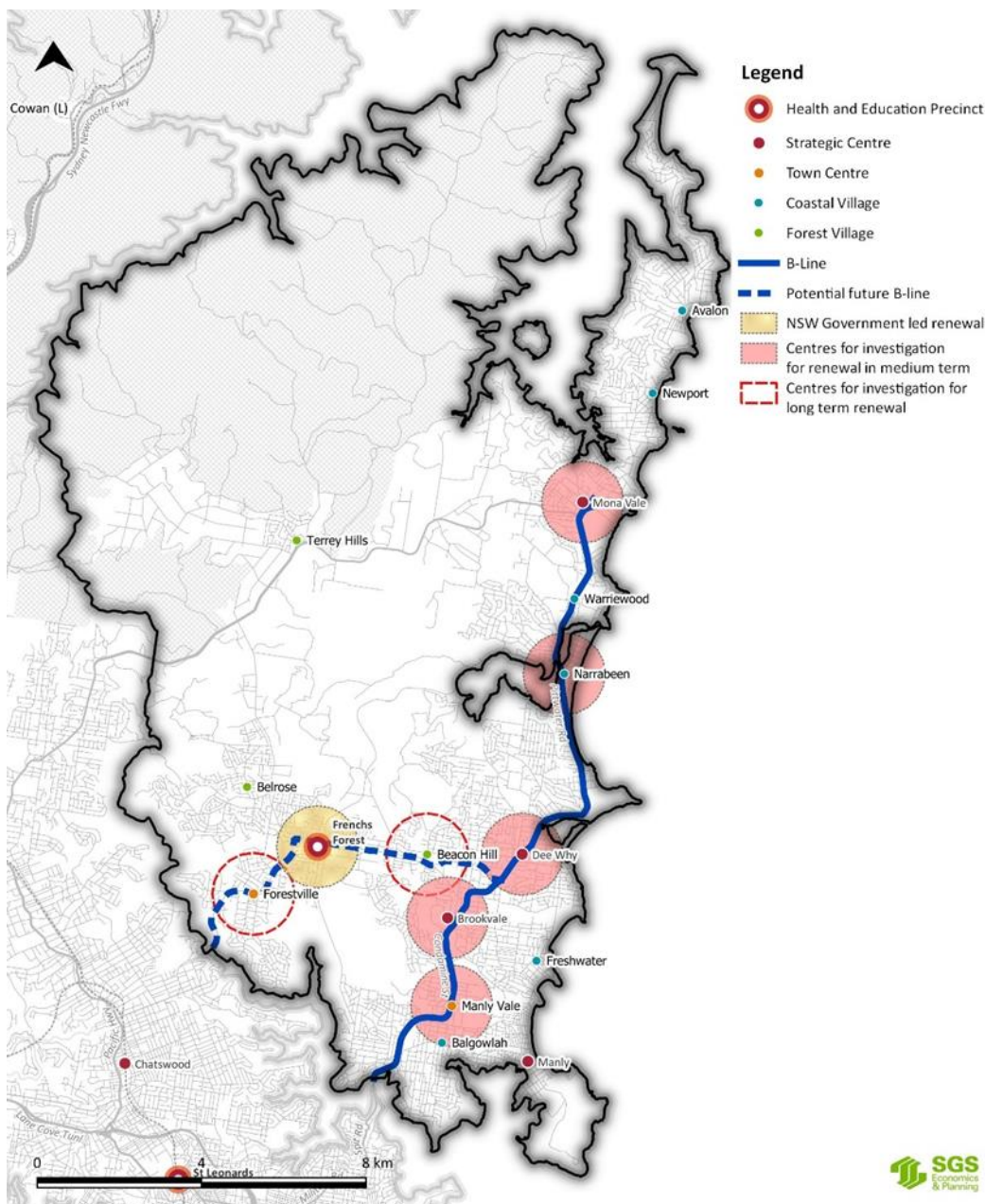


Figure 4 : Spatial approach for medium-higher density centres

The detailed planning would be based on the Centres Renewal Framework (see Figure 5), which is an approach to zoning and housing types around centres and transport infrastructure (however not all precincts would be applied in every centre).

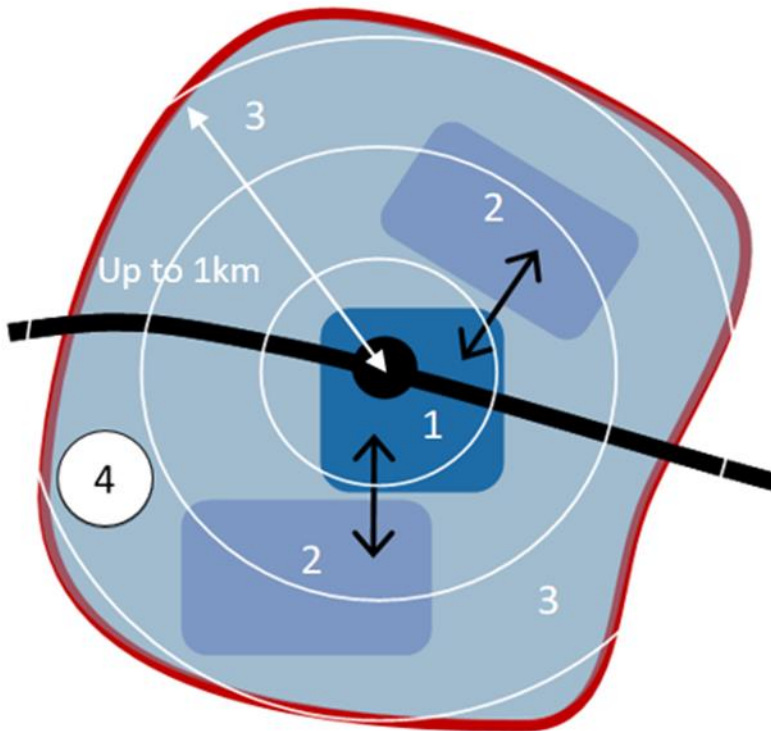


Figure 5 : Centres Renewal Framework

1. Centre core and mixed use

- Highly accessible and in town centre areas – less than 800m to a transport node.
- Areas that are logical extensions of an existing centre, are walkable, and take into account physical barriers.
- Larger sites which are suitable for major redevelopment, include areas that have potential for considerable site amalgamations.
- Suited to mixed use and the more intensive use of housing, such as apartments.

2. Mixed housing

- Walkable to centres and public transport, around 800 metres to 1km from a transport node.
- Good amenity, representing opportunity areas closest to assets such as parks and shops.
- Suited to larger lot sizes, typically over 600 square metres, ready for redevelopment without the need for site amalgamations.
- Intermediate and medium density housing forms, such as townhouses and small scale apartments of 2-4 storeys.

3. Influence areas

- Located within walkable catchments of centres, within a radius of 1km.

- Accommodate compact infill housing suited to the character of existing detached housing areas.
- Includes typologies such as dual occupancies, terraces, semi-detached dwellings, and manor homes.
- Ideally Torrens titled.

4. Excluded areas

- Heritage conservation areas, sites with high environmental hazards and risks, and areas zoned for E4 Environmental Living.

Future planning of the investigation areas would be subject to detailed planning work and would consider elements such as:

- Opportunities for co-design with the community, allowing for meaningful engagement and input
- How new housing can contribute to the delivery of Council's broader LSPS targets – including emissions reduction, reducing water usage, increasing use of public and active travel, reducing space for car parking, provision of open space and overall liveability
- Potential to engage with NSW Government agencies (such as WaterNSW, Transport for NSW, energy and other utility providers) as partners in delivering innovations
- Require new development and community infrastructure and services to generate a liveability dividend, and associated local funding plans
- Feasibility analysis to determine affordable housing contributions and potential for the delivery of affordable housing through Planning Agreements (PAs)
- Potential innovations in funding and implementation, such as the delivery of other community benefits through housing uplift, or pooled development approaches.

This detailed planning work will then be used to inform planning proposals and changes to zoning and LEP controls for those centres.

Low-medium density development

Smaller centres within the LGA on transport corridors (such as current and future B-line routes) would be a focus for greater housing diversity and affordability, and are therefore considered suitable locations for some low to medium density typologies such as dual occupancies, seniors accommodation and boarding houses. Whilst these typologies are currently permissible under certain LEPs or the relevant SEPPs, Council's intent through the LHS is to maintain the diversity of dwelling type, however ensure these are only provided in suitable accessible locations by restricting them close to shops, services, clubs and community facilities.

In addition to the centres identified above, the preferred approach therefore would be for new housing to include low to medium density typologies in residential areas within 1 kilometre of these smaller centres (see Figure 6).

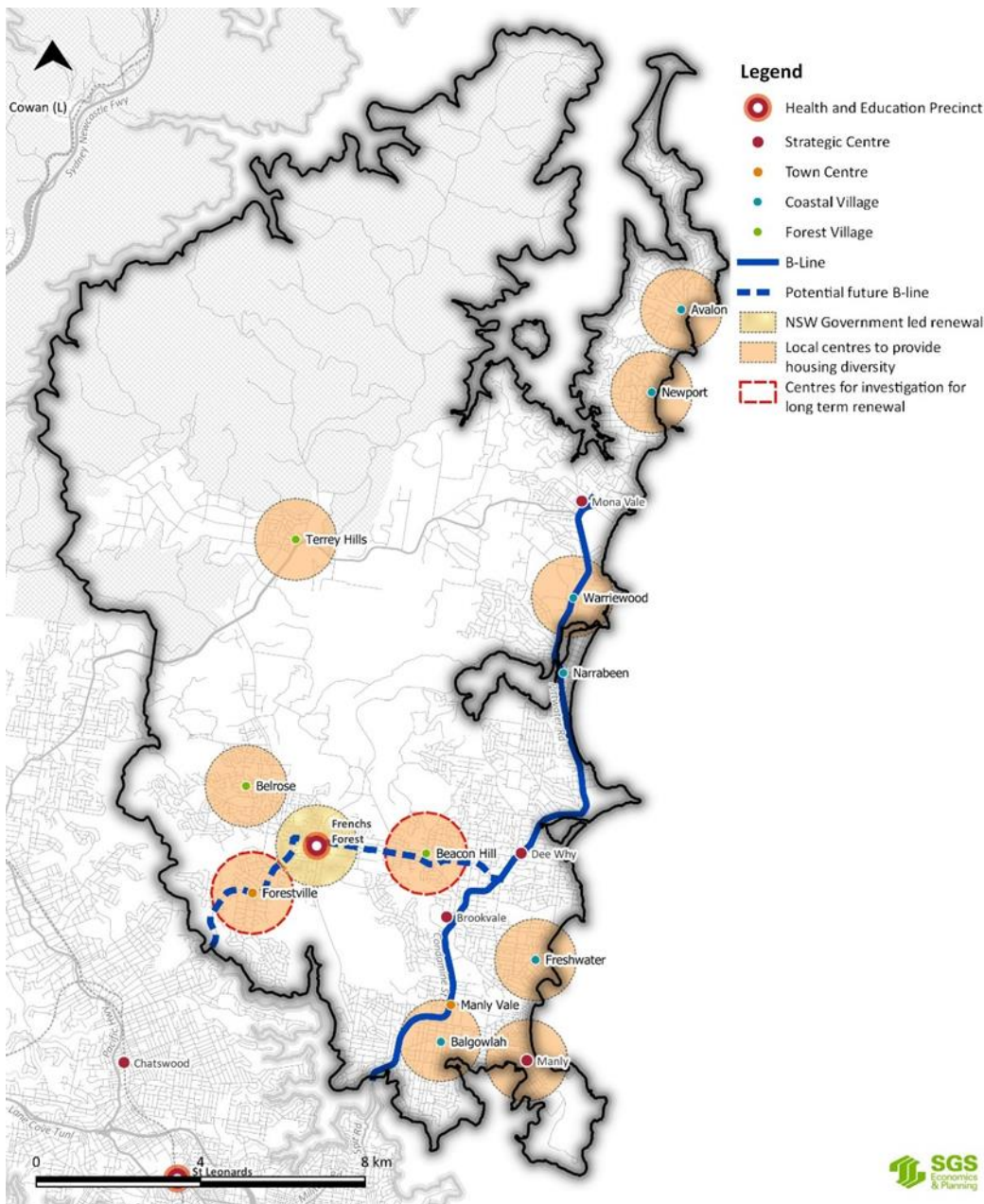


Figure 6 : Spatial approach to centres

The following additional provisions would also apply to boarding houses and seniors developments:

Boarding Houses

- To be permissible with consent in the R2, B1, B2 zone, within 1km of identified local centres where they are provided by social/community housing providers (to encourage traditional boarding house opportunities), and have a maximum size of 12 rooms and only on sites greater than 1000sqm.
- Otherwise restricted from the R2 zone.
- Boarding house developments are only to be permitted in accessible locations within Centre Investigation Areas around centres on the B-Line (likely R3 and B4 zones), and on sites of at least 1,000 square metres.
- Retain boarding houses as permissible in areas currently zoned as R1 in the Manly area.

- Review parking requirements (with the aim of reducing these) for boarding houses in Centre Investigation Areas in accessible locations (such as in medium to higher density and mixed use zones).

Seniors Housing

Proposed strategies for seniors accommodation focus on the supply of nursing homes and supported/mixed accommodation types (i.e. not retirement villages):

- Seniors housing to be permissible in R2, B1, B2 zones only when they are within Centre Investigation Areas or 1 kilometre of local centres on sites greater than 1,000 square metres.
- Restrict seniors housing developments from rural zones and environmental living zones, even when located adjacent to the urban use zones.
- Restrict seniors housing developments from R2, B1, B2 zones outside of the 1 kilometre catchments of Centre Investigation Areas and local centres.
- For existing seniors housing sites in the R2 zone that are larger than 3,000 square metres, additional height and density bonus are proposed to incentivise redevelopment. This could take the form of a height and density bonus to encourage ageing in place and redevelopments that could cater to all stages of a senior person's life (for example onsite nursing homes or upgrades to independent living units to include lifts).
- Additional height and density (maximum 1 additional storey) are proposed (subject to a more detailed urban design study) for seniors housing where it is located in the R3, R4 and B4 zones in Centre Investigation Areas. This could be completed as part of centre-specific planning work.

The above spatial approaches for new housing within 1km of the Strategic and smaller centres is detailed within Figure 7.



Figure 7 : Spatial approach to net new housing

Social and affordable housing

The affordability of housing remains a key issue for the Northern Beaches LGA. Given the existing lack of affordable housing stock and expected growth in demand, it is important that Council has a target and strategy to deliver more social and affordable housing in future, recognising that Federal and State Government still has the overwhelming responsibility for providing shelter for households in need of assistance.

The LHS adopts the additional SAH demand to 2036 of 1,880 dwellings as a target for Council, with the gap between this target and the total demand for social and affordable housing in 2036 (including the existing unmet demand) to be addressed by other levels of government.

A range of approaches to deliver on this target have also been detailed. As part of the LSPS, Council has endorsed a target for a minimum of 10 per cent affordable rental housing to be included in new planning proposals, consistent with Council's existing Affordable Housing Policy. This approach can be part of Council's Affordable Housing Contribution Scheme under SEPP 70.

However, it is unlikely that a scheme such as this on its own will be sufficient to achieve the target amount of additional social and affordable housing, without introducing much higher density forms of housing development. Council will therefore need to consider a range of mechanisms to complement the affordable housing contributions scheme to deliver on the target.

Other mechanisms are detailed below in Figure 8.

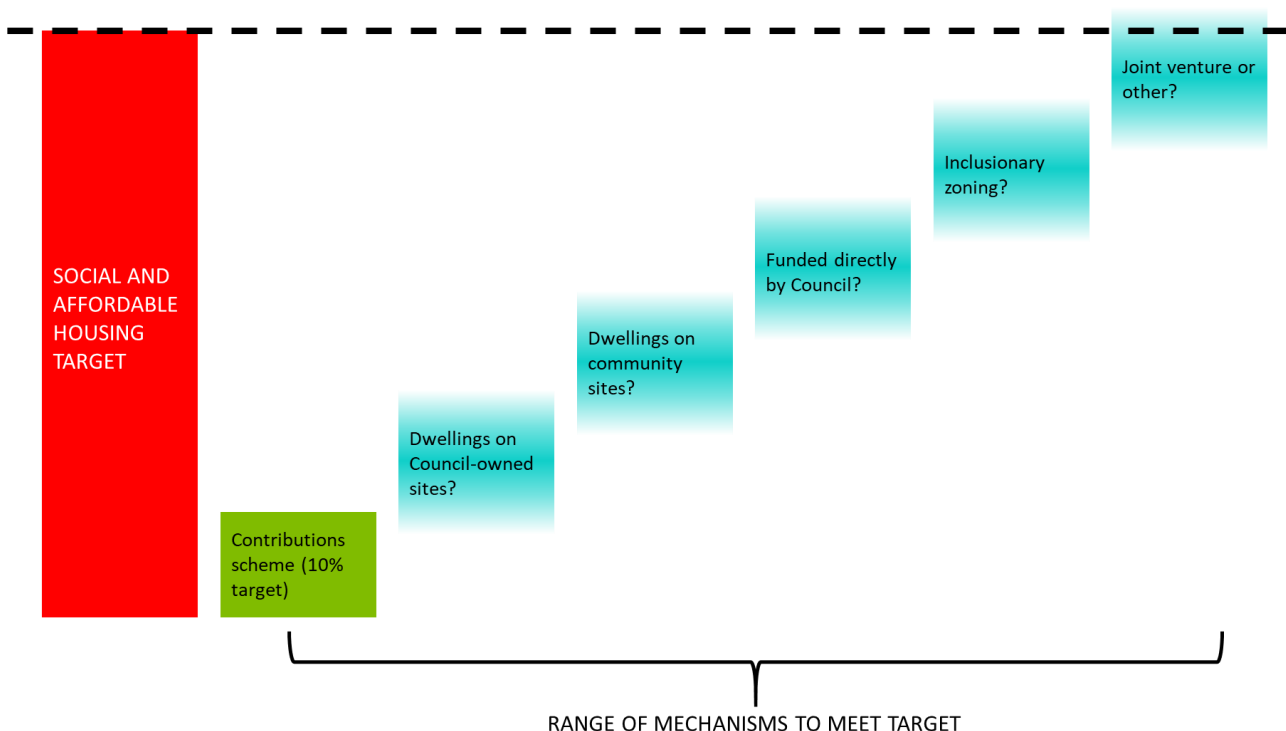


Figure 8: Comprehensive approach to delivering social and affordable housing target

CONSULTATION

Council engaged extensively with the community in the preparation of the Community Strategic Plan (CSP), which identified key themes of expanding housing choice, and improving housing affordability whilst ensuring the protection of the natural and built environment.

The exhibition of the draft LSPS, which included the release of the housing issues and opportunities paper for public consultation, further identified key themes to support growth in centres with access to services, facilities and infrastructure and provide a diverse range of housing types, affordable housing for key workers and achieving good environmental design.

The detailed feedback received during the preparation of both the CSP and LSPS have helped inform the preparation, vision and objectives of the draft LHS.

A Community Engagement Plan has also been prepared for the LHS. The Community Engagement Plan outlines a comprehensive program for consultation for the project.

To date this project has included three briefing sessions and two workshops with Councillors and three briefings to relevant Strategic Reference Groups.

Council has also undertaken three community focus groups to test both the content and clarity of the Strategy. Participants were broadly supportive of the draft Strategy, and comments received have been incorporated into the draft Strategy where relevant.

It is recommended the draft LHS be placed on public exhibition for a period of 5 weeks, commencing on 15 January 2021 until 21 February 2021 which satisfies the minimum 28 day requirement in the EP&A Act. It is noted that Council's Community Participation Plan does not allow a public exhibition to commence during the period 20 December and 10 January due to the Christmas/New Year holiday period.

The exhibition will be advertised on Council's web-site and in the newspaper. Copies of the draft LHS will be available at Council's customer service centres and online at Council's 'Have Your Say' website. Engagement will include:

- Digital, social media and webinars
- Residential association presentations
- Internal and external stakeholder consultation

TIMING

Public exhibition of the draft Local Housing Strategy is scheduled to occur from 15 January to 21 February 2021.

Following public exhibition, and consideration of all submissions, the draft LHS will be reviewed and amended and a further report provided for Council's consideration.

Final adoption of Council's Local Housing Strategy is subject to the approval of the Department of Planning, Infrastructure and Environment.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.
- Places for People - Goal 7: Our urban planning reflects unique character of our village, natural environment and is responsive to the evolving needs of our community.
- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.

FINANCIAL CONSIDERATIONS

Funding to support the preparation, exhibition and adoption of Council's Local Housing Strategy is included in the existing budget.

Implementation of the LHS will require future funding for master planning of growth and Infrastructure, and the delivery of the priorities and associated development of controls, monitoring and reporting requirements.

SOCIAL CONSIDERATIONS

The LHS supports the provision of housing outcomes required for the community including accommodating the needs of changing demographics and more diverse and affordable housing. The LHS will have a positive social impact by giving effect to the District Plan, CSP and LSPS.

ENVIRONMENTAL CONSIDERATIONS

The LHS supports sustainable growth that maintains the character of the LGA whilst seeking to Integrate land use planning with transport.

GOVERNANCE AND RISK CONSIDERATIONS

The relevant considerations for the LHS, as outlined within the District Plan and DPIE Local Housing Strategy Guideline have been met.

ITEM 12.4	ADOPTION AND PUBLIC EXHIBITION OF PLANNING PROPOSAL (PEX2020/0006) 114-120 OLD PITTWATER ROAD, BROOKVALE
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2020/716852
ATTACHMENTS	1 ⇒Planning Proposal (Included In Attachments Booklet) 2 ⇒Northern Beaches Local Planning Panel Advice (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek endorsement of a Planning Proposal (Attachment 1) to include office premises as an additional permitted use within Schedule 1 of the Warringah Local Environmental Plan 2011 (WLEP 2011) on land at 114-120 Old Pittwater Road, Brookvale, and to progress the Planning Proposal to a Gateway Determination and subsequent formal public exhibition.

EXECUTIVE SUMMARY

The Planning Proposal was requested by the site's owner Primewest Funds Ltd and is intended to enable the use, subject to consent, of up to 15,657sqm of floorspace within two existing buildings on the site as office premises (a use currently prohibited by the site's IN1 General Industry zoning). The existing buildings incorporate large areas of 'ancillary office floorspace' that were in the past used for administrative functions associated with the industrial/warehousing activities of large corporations which previously occupied the site. The site's owner has been unable to find industrial or warehousing tenants who require substantial ancillary office floorspace and this has left large areas of floorspace vacant. The Planning Proposal responds to the site's unique characteristics and will enable efficient, viable use of existing built assets and significant opportunities to generate employment and economic activity that would be especially beneficial for the broader community during the current economic downturn.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That:

1. Council adopt the Planning Proposal for 114-112 Old Pittwater Road, Brookvale and forward it to the NSW Department of Planning, Industry and Environment to seek a Gateway Determination.
 2. If the Gateway Determination is to proceed, Council undertake public exhibition of the Planning Proposal in accordance with the requirements of the Gateway Determination.
-

REPORT

BACKGROUND

The subject site and surrounding properties fronting Old Pittwater Road are zoned IN1 General Industrial. The site is developed with two large existing buildings which were previously home to the national headquarters of Fuji Film and Avon. The existing buildings are currently only partially occupied, with extensive vacant office-style floorspace. Stand-alone 'office premises' are currently prohibited in the IN1 General Industrial zone.

Having regard for the current zone, the existing vacant office space cannot be separately leased for stand-alone office purposes. Any business wanting to use the existing office space must demonstrate that the office space is ancillary to a use permitted in the IN1 General Industrial zone. Unfortunately, the site's owner has been unsuccessful in its attempts to attract suitable businesses to occupy the existing buildings. Accordingly, it now seeks to amend Schedule 1 of the WLEP 2011 to allow 'office premises' as an additional permitted use (APU) limited to a maximum 15,657sqm gross floor area (GFA) within the existing buildings. The proposal does not seek to increase the amount of office space currently on site. This will allow the existing vacant office floor space to be used by any business and does not require a connection with an industrial use.

For a period, between 2000 and 2011, 'office premises' were permissible on the site in accordance with the Warringah LEP 2000. The subject site (and the whole Brookvale Industrial Precinct west of Pittwater Rd) was included in Locality G10 - Brookvale Industrial West. In this Locality, office premises were Category Two development, which was permissible subject to consent, provided the consent authority is satisfied that the development is consistent with the desired future character described in the Locality Statement. The Lifestyle Working co-working office building in the IN1 zone near the site was approved in 2004 under these provisions. Prior to 2000, the Warringah LEP 1985 was in place, and offices (under the definition of commercial premises) were prohibited under the site's 4(a) General Industrial Zoning.

The subject site is owned by Primewest Funds Ltd (the proponent) who first approached Council in 2016 to discuss planning mechanisms to facilitate the use of existing buildings on the site for office/business premises. At that time, Council had begun a community engagement process for the Draft Brookvale Structure Plan (draft BSP). It was suggested that the proponent delay requesting a Planning Proposal until the draft BSP had been prepared and presented to Council for endorsement for formal public exhibition.

In April 2018, the proponent made a request to Council to prepare a Planning Proposal to amend Schedule 1 of the Warringah Local Environmental Plan 2011 (WLEP) to add office premises and business premises as additional permitted uses under the site's IN1 General Industrial zoning.

The request was subsequently withdrawn by the proponent, having regard to the status of the draft BSP exhibited late 2017 with over 100 submissions received, planning priorities set out in the State Government's North District Plan (released March 2018) to retain and manage industrial and urban services land, and the need for Council to undertake further analysis of traffic and transport issues in Brookvale-Dee Why and LGA-wide employment and housing studies associated with preparation of a Local Strategic Planning Statement and a review of Council's four Local Environmental Plans.

Prior to withdrawal of the 2018 Planning Proposal, Council officers held discussions with the Greater Sydney Commission (GSC) and were advised that the GSC could not support approval of office or business premises within the industrial areas of Brookvale until further studies had been completed, including an LGA-wide employment study. During these discussions, the GSC emphasised its position on protection of industrial and urban services land, the low supply context of such land in the North District, and a policy of retaining and managing industrial and urban services land set out in the North District Plan. The GSC advised any loss of industrial land to alternative uses would need to be fully justified in terms of net community benefit having regard to the broader economic functions of industrial areas, livability and sustainability outcomes, and a clear planned vision for

Brookvale. The GSC also provided feedback to the proponent after withdrawal of the 2018 Planning Proposal to the effect that the GSC would not endorse any planning proposal or structure plan for Brookvale until the Council completes its Local Strategic Planning Statement.

The Northern Beaches Local Strategic Planning Statement was completed and came into effect on 26 March 2020. On 7 August 2020, the proponent made a request to Council and lodged material in support of the Planning Proposal that is the subject of this report.

The Northern Beaches Local Planning Panel (the Panel) considered the Planning Proposal on 11 November 2020. The Panel expressed some concerns regarding the gross area of office space and the ability to ensure the temporary use, but has advised Council to progress the Planning Proposal for a Gateway Determination.

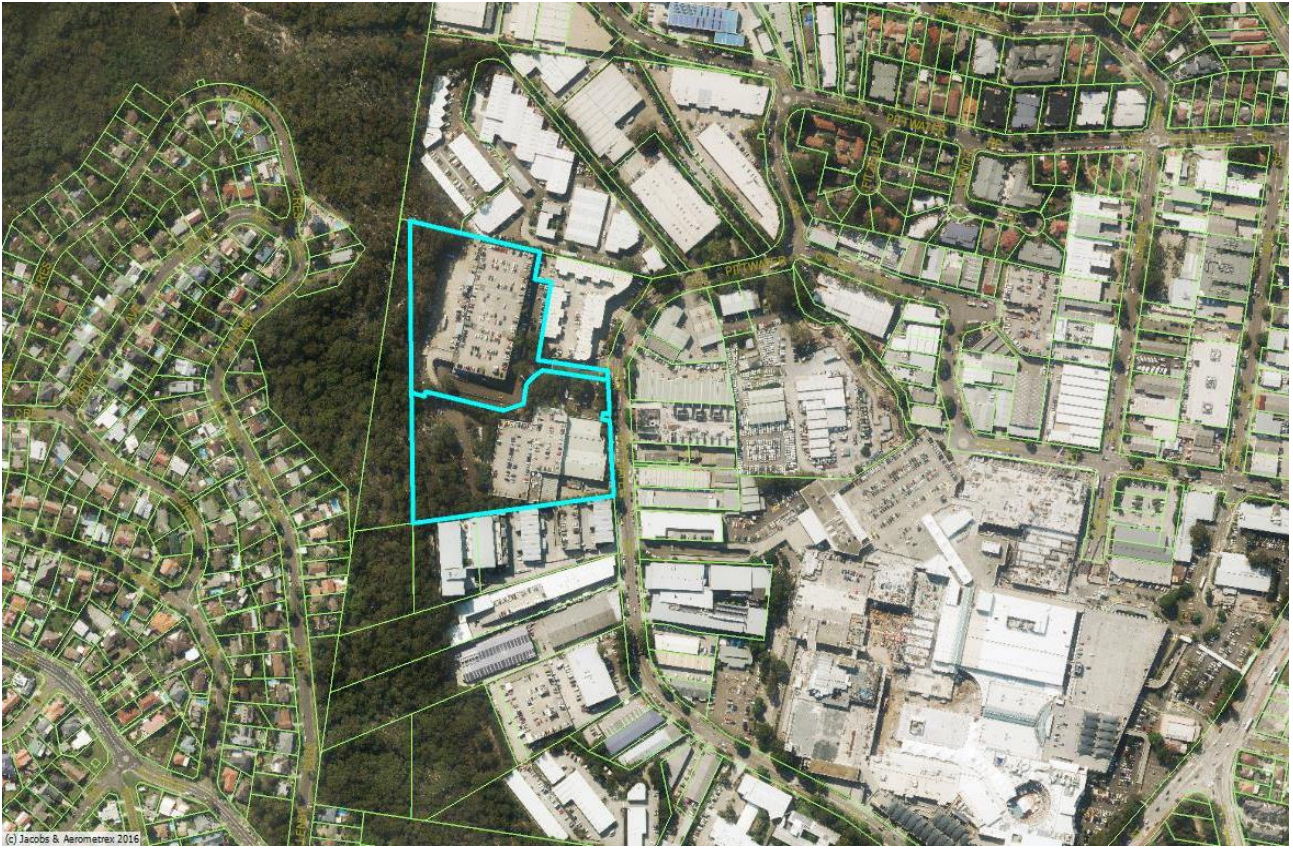
SITE DESCRIPTION

The site has a total area of approximately 4.2ha (see table below) and a combined frontage of 120m to Old Pittwater Road, Brookvale.

Property Description	Area	Owner
Lot 1 DP 868761	2.015ha	Primewest Funds Ltd
Lot 3 DP 868761	2.180ha	Primewest Funds Ltd

The site (see Figure 1) is located in an industrial area which spans either side of Old Pittwater Road between Cross Street and Pittwater Road, behind the Warringah Mall Shopping Centre. Adjoining land to the rear western boundary of the site is a steep bushland reserve that rises to a residential area along Allenby Park Parade at an elevation some 40-50m above that of the site. The site itself slopes upwards from east to west, with the steepest land at the rear being undeveloped bushland.

The site is developed with two large buildings which were previously home to the national headquarters of Fuji Film and Avon. The northern building, set back from the road and accessed via a shared driveway, is three storeys with roof-top car parking, and is currently occupied largely by a Woolworths warehouse and distribution centre (primarily for filling online orders) on the upper level, and a Service NSW centre open to the public, and a printing business and pilates studio on the lower levels. The southern building, situated closer to the road, is two to five storeys with rooftop parking, and appears to be largely vacant, with limited occupation by some warehouse and office-based businesses. There is a shared main entry/exit driveway and a number of at-grade parking areas.



(c) Jacobs & Aerometrex 2016
Figure 1 - Subject Site

CURRENT ZONING

The site and surrounding properties fronting Old Pittwater Road are zoned IN1 General Industrial. The adjoining bushland reserve to the west is zoned RE1 Public Recreation. The Warringah Mall shopping Centre to the south-east is zoned B3 Commercial Core (see Figure 2).

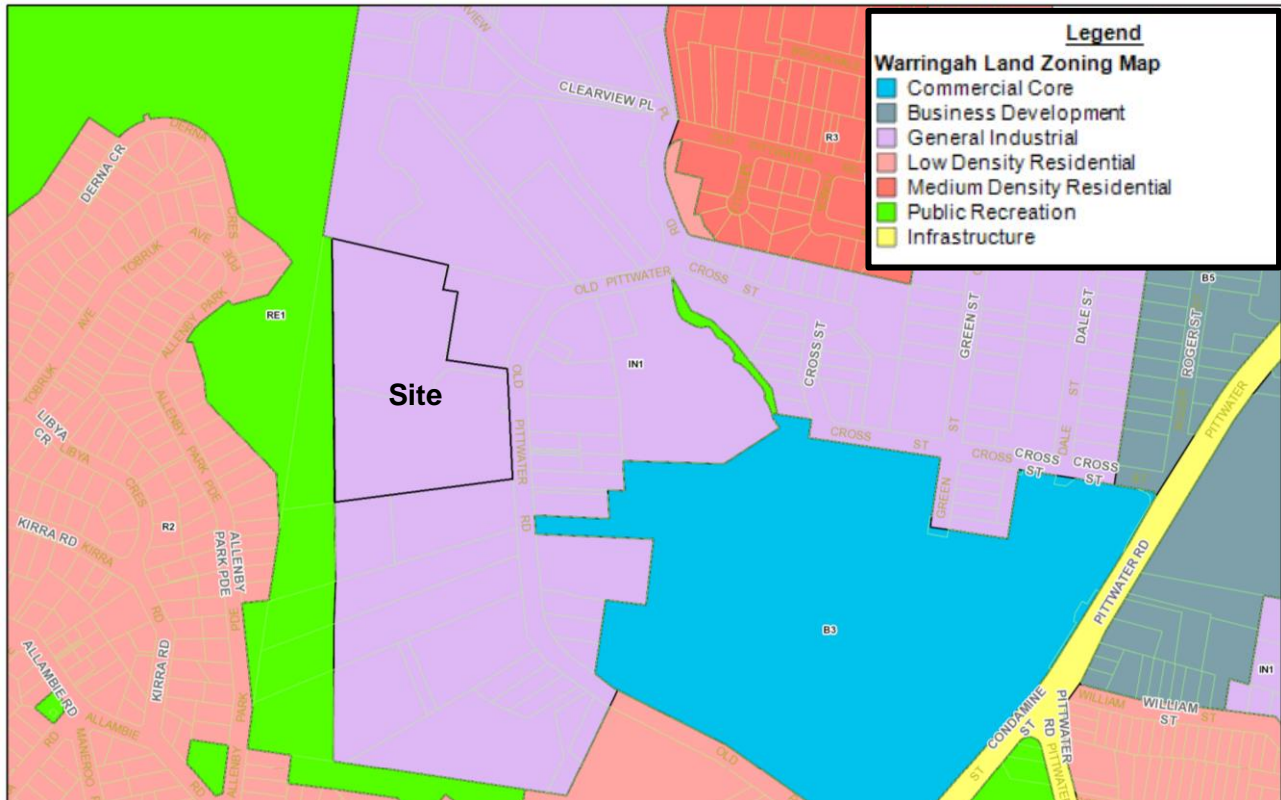


Figure 2 - Zoning

The objectives of the IN1 General Industrial zone include:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To enable a range of compatible community and leisure uses.
- To maintain the industrial character of the land in landscaped settings.

Uses permitted with consent in this zone include:

Boat building and repair facilities; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

Office premises are a prohibited use under the site's IN1 General Industrial zoning.

The Proposal

The Planning Proposal seeks to amend Schedule 1 of Warringah Local Environmental Plan 2011 to allow 'office premises' as an additional permitted use (APU) limited to a maximum 15,657sqm gross floor area (GFA) within the existing buildings. The proposal includes a new Area 24 on the APU Map Sheet 008A and a new subclause in Schedule 1 for Area 24 (details in Part 2 below).

Office premises is defined as follows:

***office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.*

Assessment of the Planning Proposal

The following assessment is undertaken in accordance with the NSW Department of Planning, Industry and Environment's 'Planning Proposals: A Guide to preparing Planning Proposals'.

Part 1 – Objectives or Intended Outcomes

The intended outcome of this Planning Proposal is to allow existing floorspace on the site, which was previously ancillary office space, to be used independently of approved warehouse/industrial uses, until such time as the existing buildings on the site are redeveloped.

The intention is to make office premises permissible with consent, but to limit this permissibility to only within the existing buildings and up to a specified maximum gross floor area for each building that aligns to the floor area of the existing buildings. If, and when the buildings are redeveloped in the future, this permissibility is intended to cease.

The proponent's stated objectives for the planning proposal are to:

- Make the most efficient use of existing built form and site infrastructure in the short to medium term,
- Capitalise on the current employment potential of the site and ensure it can operate at its full economic capacity,
- Facilitate the transitioning of the site from traditional (niche manufacturing and wholesale services) to advanced manufacturing and innovative industries, and
- Protect the current manufacturing operations on site as well as the longer term strategic value of the industrial zoned land.

Efficiency and Employment

The proponent contends that the existing buildings on the site incorporate a significant component of ancillary office space owing to the nature of the former businesses that occupied them, namely Fujifilm and Avon, which operated their head office alongside their main warehouse facilities in the buildings. The amount of office space within the building's total 15,657sqm (see Table 1). No plans were provided to delineate the warehouse and ancillary office space within each building.

	114 Old Pittwater Rd	120 Old Pittwater Rd	Total
Warehouse (GFA sqm)	6,214	8,459	14,673
Office (GFA sqm)	11,317	4,340	15,657
Parking	225	309	534

Table 1 – Breakdown of existing floorspace (figures supplied by site's owner - Primewest Funds Ltd)

The proponent states that while there continues to be demand for warehousing and other industrial uses on the site, there is no longer demand for any business to operate both the industrial and office space that exists on site, as is required under the current IN1 General Industrial zone. Due to technological advances, there is now less need for head office operations to co-locate with industrial facilities. Larger scale manufacturing and warehousing have tended to relocate to outer metropolitan areas (cheaper land) and closer to major roads, rail and/or ports. The proponent further states that the ancillary office space has been vacant for several years and a number of businesses have expressed interest in using the space as stand-alone office premises - that is, office activities independent of and not ancillary to any industrial or other activity undertaken on the land.

The proponent has provided details of prospective tenants seeking office floor areas in and around the Northern Beaches. The floorplates sought range in size from 500-3,000sqm (average 1,283sqm). The list includes businesses involved in infrastructure and civil works, IT, cybersecurity, personal products, public administration, and transport research collaboration.

It was also noted that with changes in business behaviour arising from COVID-19, including increased working from home, less use of public transport and a need to reduce costs, there is increasing demand for well-located metropolitan contemporary facilities close to amenities with good parking.

The proponent highlighted an increasing awareness amongst large corporations for decentralising work forces to minimise risk and disruption, and a movement to create secondary major offices in metropolitan areas (that is, locations outside major CBDs).

It is accepted that the 15,657sqm of ancillary office floorspace is in parts of the existing buildings which are designed, built and fitted-out for office activities and were ancillary to the primary factory/warehousing operations of the businesses which previously occupied the buildings.

This floorspace is particularly suited to office activities and the site's owner has had difficulty finding new tenants as the site's IN1 zoning only allows office activities where ancillary to permissible uses.

Given the owner's unsuccessful efforts to find factory/warehouse tenants who require substantial ancillary office space for their operations, and the likelihood that this floorspace could remain largely vacant and unused (as it has since Fujifilm and Avon left), a mechanism to allow office premises uses independent of any industrial activity would enable efficient use of existing built assets which can generate employment and economic opportunities without construction cost or time factors. This is a preferable outcome to the floorspace remaining vacant into the foreseeable future.

The economic impact of the COVID-19 pandemic increases the imperative for employment and it is possible that the Planning Proposal may satisfy the State Government's criteria for fast-tracked assessment under the Planning System Acceleration Program.

Protection and Transitioning

Limiting the office premises use to a specified maximum GFA for each existing building (equating to the existing ancillary office space) is intended to protect the current industrial activities on the site. The quantum of existing industrial (warehouse) floorspace will not be reduced. The site's single ownership also means any potential land use conflict can more readily be minimised and managed, as it is in the interests of the owner to ensure the activities of tenants are harmonious. While the site comprises two lots which could ultimately be sold to different entities, a maximum GFA for office premises is proposed for each existing building on the two lots and any future owners would be compelled to manage any conflict arising from the activities of different tenants within their buildings.

Existing permissibility for industrial and other uses under the site's IN1 zoning is unchanged by this Planning Proposal. It will therefore still be possible for new industrial activities to be established using any of the existing floorspace, subject to consent, in accordance with the IN1 zone. While the floor space may have been previously designed and fitted-out for administrative or office-type activities, this does not preclude its use or adaptation for use for industrial activities.

While not in itself responding to changes in technology and innovation, the proposal would in effect enable the site to achieve an economically active 'holding pattern', until such time that conversion and/or redevelopment to accommodate high-tech and innovative industries can occur, if and when the interest and capability in the marketplace arises for such industries in this location.

Given the solid construction and substantial investment in the existing buildings, it is accepted that redevelopment may be a long term prospect. In the meantime however, economically viable, employment-generating use of the existing ancillary office space which might otherwise remain vacant is appropriate.

Part 2 – Explanation of Provisions

The following amendments to Warringah Local Environmental Plan 2011 (WLEP) are proposed:

- Insert the following subclause in WLEP Schedule 1 - Additional Permitted Uses:

"24 Use of certain land at 114-120 Old Pittwater Road, Brookvale

 - (1) This clause applies to part of Lots 1 and 3 DP 868761, 114-120 Old Pittwater Road, Brookvale shown as "Area 24" on the Additional Permitted Uses Map.
 - (2) Use of that land for the purpose of office premises is permitted with development consent if the consent authority is satisfied that:
 - (i) there will be no reduction in gross floor area available for industrial activities on any Lot
 - (ii) the development is carried out in an existing building
 - (iii) no more than 11,317sqm on Lot 1 DP 868761 and 4,340sqm on Lot 3 DP 868761 of existing gross floor area will be used for office premises."
- Amend WLEP Additional Permitted Uses Map Sheet APU_008A in accordance with the proposed additional permitted uses map (See Figure 3).

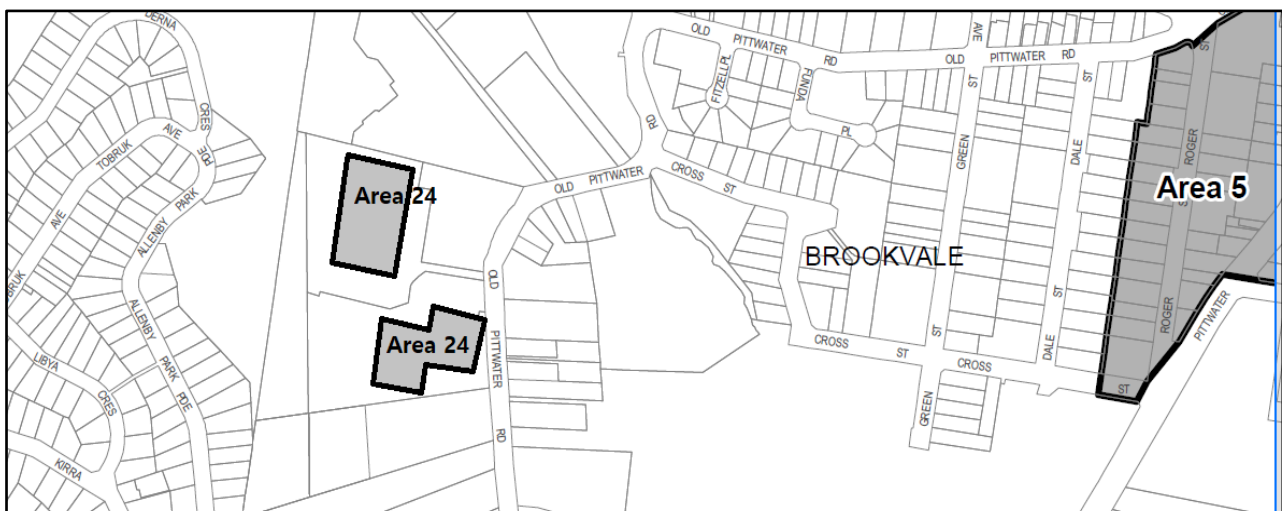


Figure 3 Extract of Proposed LEP Map – Sheet APU_0008A

(Note: Area 24 approximates the footprint of the existing buildings on the site)

Proposed Clause 24

Material submitted by the proponent includes a legal opinion on the drafting of proposed Clause 24, prepared by Holding Redlich. The opinion was prepared in order to confirm that the clause, as drafted, will achieve its intended outcomes. It purports that the drafting of the clause, combined with defining the area of the existing buildings on the APU Map, provides a robust approach which protects the IN1 zone in the long term because:

- (a) the proposed clause makes it clear that the use is limited to only a specific area and within an existing building. As such, the clause could not be relied upon for any proposed new buildings
- (b) the clause requires any proponent to satisfy Council (and for Council to be satisfied) that the requirements of the clause have been met before development consent will be granted (and, in fact, can be granted). As is clear from clause (2) of the proposed clause, this includes Council being satisfied that there will be no reduction in GFA available for industrial uses and that the development is being carried out within an existing building.

A preliminary review of proposed Clause 24 has been conducted as part of the assessment of the planning proposal. As the proposed clause is somewhat novel, there is a level of uncertainty as to its workability, particularly subclause (2)(i). Any amount of office premises use could be regarded as a reduction in gross floor area available for industrial activities as all of the existing floorspace could potentially be used for industrial purposes. The intention however is that there be no reduction beyond the 15,657sqm GFA that is regarded as existing ancillary office space.

The proponent supplied examples of similar clauses in other Local Environmental Plans. None of the examples prescribe a maximum GFA for the additional permitted use within an existing building, nor do any include a provision requiring the consent authority to reach a state of satisfaction about the reduction in the primary use of a building before being able to exercise the power to grant development consent. Nevertheless, the Environmental Planning and Assessment Act provides under section 3.14(3A) for an environmental planning instrument to “make provision for any zoning of land or any other provision to have effect only for a specified period or only in specified circumstances.”

If the Planning Proposal proceeds through Gateway, it is anticipated that Parliamentary Counsel will in due course review the proponent’s proposed Clause 24 and advise of any revisions necessary to achieve the intended outcomes. The intention of any drafted clause would be to ensure that there is no reduction of industrial floor space beyond the 15,657sqm (existing ancillary office space).

Precedent

The legal opinion submitted by the proponent also suggests that the Planning Proposal will not create a precedent given the specific circumstances of the site, the proposed restrictions on the additional permitted use, and the justification given to meet strategic and site-specific merits tests and to demonstrate consistency with the relevant regional and district plans and Council’s local strategic planning statement.

In 2019, Council engaged SGS Economics & Planning (SGS) to undertake an Employment Study for the Northern Beaches to inform the preparation of Council’s Towards 2040 Local Strategic Planning Statement (LSPS) and the comprehensive review of its four Local Environmental Plans.

In April 2020, Council sought SGS’s advice specifically in relation to the subject site and the proposal to allow office premises uses. The advice from SGS acknowledged that the proposal has merit in terms of the opportunity to reuse an existing asset for a more productive function, and that the proposal is broadly consistent with the principles and strategic aims in the Greater Sydney Commission and Council’s strategic planning documents including the need to protect and retain existing industrial land. However, SGS expressed a concluding view that, on balance, the proposal

is not appropriate for two key reasons: the potential precedent for loss of industrial land uses, and potential to undermine strategic employment objectives for Brookvale and Frenchs Forest.

As commercial office space typically achieves higher rents than industrial floorspace, there is often a financial incentive for owners of industrial properties to want to convert to commercial office uses. It is possible that allowing an office premises as an additional permitted use on the subject site may result in expectations amongst other landholders in the IN1 zoned precinct in Brookvale that Council may allow office premises on other sites in the precinct. Such expectations however would not be realistic. Other sites are unlikely to be able to demonstrate sufficient strategic and site-specific merit.

The subject site has unique characteristics including the size, design and layout of floorspace in the existing buildings, land area and ownership, former and current occupants, and circumstances which have resulted in substantial ancillary office space being largely vacant with limited prospects for economically viable use in the short to medium term under the current planning controls. The site has a significant latent capacity to support immediate employment and economic activity through use as office premises until such time that the buildings are redeveloped in the future. Given the particular building design and former use, it is arguable the Planning Proposal represents less a conversion from industrial to commercial, and more a logical concession in the planning controls to better reflect what exists on the site and the activities historically undertaken there.

The Planning Proposal has sufficient strategic and site-specific merit on balance, having regard to the benefits that can be derived from allowing an efficient, productive, employment-supportive use of existing under-utilised buildings and infrastructure, which outweigh any perceived loss of capacity and utility for industrial and urban services activities. The site's IN1 zoning is retained, thereby protecting its role and function for industrial and urban services in the long term. The permissibility of office premises will cease when the site is redeveloped in the future and Clause 24 no longer applies.

The strategic and site-specific merit tests are discussed in detail in Part 3 Section B of this report.

Part 3 - Justification

Section A - Need for the Planning Proposal

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

No. The Planning Proposal is the result of a proponent-led request to Council which began with enquiries in 2016 and an earlier planning proposal request in 2018 that was withdrawn pending completion of the LSPS and progress on Council's Employment Study.

Local Strategic Planning Statement

The Towards 2040 Local Strategic Planning Statement (LSPS) came into effect on 26 March 2020. The LSPS aligns with the North District Plan and Greater Sydney Region Plan and acts as the link between strategic land use planning at the district level and local statutory planning for the Northern Beaches LGA. The LSPS includes a structure plan which designates a Strategic Centre at Brookvale and identifies it as an employment and innovation centre. The relevant planning priorities, principles and actions for Strategic Centres are set out under the Productivity Direction of Jobs and Skills. Under Planning Priority 22 - Jobs that match the skills and needs of the community, the LSPS identifies the North District Plan target of 3,000-6,000 additional jobs for Brookvale-Dee Why by 2036.

Material submitted with the proponent's request includes an Economic Need and Impact Assessment prepared by Location IQ, which estimates the Planning Proposal has the potential to create 1,374 jobs (705 on site and a further 669 created indirectly through multiplier effects in the

local economy), thereby assisting in achieving the employment targets and improving the LGA's employment self-sufficiency. In terms of jobs generated by one site, these numbers are significant.

The Location IQ report describes two alternatives to the Planning Proposal: do nothing and the office buildings remain significantly vacant for the foreseeable future, or redevelop the site. These are seen as neither commercially viable nor appropriate from a strategic planning or sustainability perspective.

While there can be no certainty as to when the site may be redeveloped and the permissibility for office premises ceases, enabling in the interim the use of existing vacant ancillary office space would provide immediate opportunities to generate significant employment and economic activity which would benefit the broader community, especially at a time of economic downturn and job losses due to the COVID-19 pandemic.

Employment Study and Site-specific Advice by SGS Economics & Planning

As discussed earlier in relation to the matter of precedent, SGS was engaged by Council for the Northern Beaches Employment Study and to provide specific advice in relation to the subject site and the proposal to allow office premises uses. That advice viewed the proposal as broadly consistent with strategic planning principles including the need to protect and retain existing industrial land. One of the reasons underlying SGS's conclusion that on balance the proposal is not appropriate was the potential to undermine strategic employment objectives for Brookvale and Frenchs Forest.

SGS made reference to the vision outlined in the draft Employment Study to consolidate Brookvale's role as the Northern Beaches' major strategic centre. It envisages development concentrating around a civic space between Pittwater Road and Roger Street, with a mix of commercial, civic and entertainment functions in a multi-function centre that will become the focus of activity.

The intention is to concentrate all new commercial floorspace (offices) in a future commercial core, with a town centre location (still to be determined) on land currently zoned B5 Business Development in close proximity to the B-line bus stop and walkable from Warringah Mall and other existing/future places of activity, creating a civic, community and commercial hub.

SGS notes the proposal to allow office premises on the subject site is not necessarily inconsistent with the vision for Brookvale, however it could have the potential to undermine strategic aims for creating a more discernible core, particularly the ability of key commercial core sites and the new town centre to be developed as envisioned in the Employment Study. SGS makes particular reference to co-working and small office tenancies, and highlights the Lifestyle Working facility as an example of how this type of development is starting to encroach into the IN1 zone. SGS suggests that if the proponent seeks to transform the site into this product type, the risk is that it will draw demand away from the future commercial core where it is best suited to locate in terms of accessibility and proximity.

It is impossible to predict the type of office premises that might be sought for the subject site (tenancy size, business category, and operational arrangements). However, the existing buildings seem better suited to larger independent offices than small business or co-working arrangements. The proponent provided details of prospective tenants seeking larger offices in and around the Northern Beaches. The floorplates sought range in size from 500-3,000sqm (average 1,283sqm). The list includes businesses involved in infrastructure and civil works, IT, cybersecurity, personal products, public administration, and transport research collaboration. Larger floorplate offices may not be in direct competition with the type intended for the commercial core where a finer grained cluster of diverse, high activity, smaller businesses and co-working facilities are envisaged.

Lifestyle Working is a purpose-built co-working facility with contemporary, sustainable architecture incorporating a central atrium, small short-term rentable offices, and shared spaces such as meeting rooms, break-out areas, and a lap pool. It was approved in 2004 under the previous

Warringah LEP when offices were permissible by consent in the G10 Brookvale Industrial West Locality. It is a high amenity, modern facility benefitting from close pedestrian connection to Warringah Mall. The existing buildings on the subject site being older and originally designed to house the factory/warehousing and office functions of large organisations, may not offer the same amenity and utility as Lifestyle Working is able to offer which appeals to co-working and smaller creative and innovative businesses.

A further consideration is timing. The future town centre/commercial core envisaged for Brookvale in the draft Employment Study is a medium to long term prospect. The structure planning process is ongoing. A peer review is currently underway to integrate the findings and recommendations of an array of planning projects including the TMAP traffic and transport study for Brookvale-Dee Why and the LGA-wide Employment Study, Housing Strategy, and Social Infrastructure Study. A revised draft Brookvale Structure Plan will need to be endorsed by Council for public exhibition before being finalised and a Planning Proposal prepared to implement any recommended changes to the LEP. All of this needs to occur before major redevelopment projects can be designed, approved and constructed under the revised planning controls. Realistically it could be 3-5 years before the future town centre/commercial core begins to take shape.

In light of the above, SGS's advice, while not supportive, does not preclude the Planning Proposal.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal retains the IN1 zone and the proposed office premises APU would allow efficient, employment-supportive use of existing vacant ancillary office floor space. This permissibility lapses when the site is redeveloped. The proponent's proposed clause 24 will be provided to the Department of Planning, Industry and Environment as part of the Gateway submission and its final drafting will be considered by Council, DPIE and Parliamentary Counsel with the intent of restricting the commercial floor space and applying until such time as the site is redeveloped.

Section B – Relationship to Strategic Planning Framework

Does the proposal have strategic merit?

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional plan, or district plan or strategy?

Greater Sydney Region Plan

Yes. The Planning Proposal gives effect to the following objectives of the Region Plan:

Direction & Objective	Assessment
Productivity - Jobs and skills for the city	
Objective 22 Investment in business activity in centres	<p>The Region Plan recognises the important role centres play in providing access to jobs, goods and services, and seeks to manage a hierarchy of centres to grow jobs and improve access to goods and services. Within this hierarchy, the Region Plan identifies 34 Strategic Centres, including one at Brookvale-Dee Why. The stated expectations for Strategic Centres include high levels of amenity and walkability, and areas being identified for commercial uses and where appropriate, commercial cores.</p> <p>The subject site's existing vacant, older ancillary office space seems less suited to the smaller, more vibrant, diverse, and public-facing businesses that should be clustered in the commercial core in Brookvale to achieve high levels of amenity and walkability, and to improve access to goods and services. The proponent's list of prospective tenants bears this out. Furthermore, structure planning</p>

Direction & Objective	Assessment
	<p>for Brookvale is ongoing, with the exact location of a future town centre and commercial core still to be determined. Development of Brookvale's commercial core is a medium-long term prospect.</p> <p>Allowing office premises on the subject site would enable efficient utilisation of existing vacant floorspace and site infrastructure and create the opportunity to generate jobs immediately in the context of an economic downturn. New business activity and employees in Brookvale, could in fact gather momentum in the marketplace to increase demand and support development of the future commercial core. On balance, the potential community benefit of this is greater than any risk to the long term vision for the strategic centre.</p>
<p>Objective 23 Industrial and urban services land is planned, retained and managed</p>	<p>The Region Plan requires a "retain and manage" approach for all existing industrial and urban services land in the Eastern Harbour City. A strong rationale underlies this approach and the growing shortage of industrial and urban services land in North District is recognised. Speculation in terms of rezoning potential impacting on the property economics of industrial land is highlighted as an issue. The Region Plan emphasises the need for a consistent policy position to keep downward pressure on land values.</p> <p>As discussed earlier, advice received from SGS recognises that the proposal is broadly consistent with the strategic aims to protect and retain existing industrial land.</p> <p>The intention of the Planning Proposal is to allow existing floorspace which was previously ancillary office space, to be used independently of approved warehouse/industrial uses, until such time that the existing buildings on the site are redeveloped. The Planning Proposal limits the proposed office premises use to a specified maximum GFA within each existing building on the site. The site's IN1 General Industrial zoning is unchanged by this Planning Proposal. It will still be possible for new industrial activities to be established, subject to consent, using any of the existing floorspace on the site. The proposed APU clause is intended to lapse when the site is redeveloped in the future in accordance with the IN1 zone.</p> <p>The Planning Proposal responds to the unique characteristics of the site and existing buildings which have significant latent capacity to support immediate employment and beneficial economic activity through use as office premises until such time that the buildings are redeveloped.</p> <p>The Planning Proposal is unlikely to set a precedent or raise reasonable speculation for rezoning elsewhere as other sites are unlikely to be able to demonstrate sufficient strategic and site-specific merit in the same way as the subject site.</p> <p>It is also noted that the NSW Government recently announced the commencement of an 'Employment Lands Zones Reform'. This review will focus on existing industrial and business zones as part of the Planning Reform Action Plan and aims to support longer term economic recovery through job creation.</p>

North District Plan

Yes. The Planning Proposal gives effect to the following objectives of the North District Plan:

Direction & Planning Priority	Assessment
Productivity – Jobs and skills for the city	
Planning Priority N10 Growing investment, business opportunities and jobs in strategic centres	<p>The North District Plan reiterates the Region Plan's stated expectations for Strategic Centres including high levels of amenity and walkability, and areas being identified for commercial uses, and where appropriate commercial cores.</p> <p>As discussed earlier, the Planning Proposal would enable efficient utilisation of existing vacant floorspace and create the opportunity to generate jobs immediately in the context of an economic downturn. New business activity and employees on the site, could foster momentum in the marketplace to increase demand and support the longer term development of the future commercial core of Brookvale's strategic centre.</p> <p>As the site's IN1 zoning is retained and the office premises permissibility will lapse when the buildings are redeveloped, the Planning Proposal does not represent an extension of the strategic centre onto industrial and urban services land.</p>
Planning Priority N11 Retaining and managing industrial and urban services land	<p>The North District Plan highlights the importance of urban services for local communities and businesses and the need to safe-guard and efficiently manage the scarce supply of industrial and urban services land in the district.</p> <p>The Planning Proposal is broadly consistent with retaining and managing industrial and urban services land. The site's IN1 zoning will remain. The Planning Proposal will allow for efficient, employment-supportive use of existing vacant floorspace, until such time that the site is redeveloped. Existing industrial/warehousing activities on the site will not be reduced, and the site's single ownership is conducive to management of land use conflict. No subdivision is proposed.</p> <p>The Planning Proposal is unlikely to set a precedent or raise reasonable speculation for conversion of industrial zoned land elsewhere in the precinct as other sites are unlikely to be able to demonstrate sufficient strategic and site-specific merit in the same way as the subject site.</p>

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

Yes. The Planning Proposal gives effect to the following planning priorities of the LSPS:

Direction for Productivity – Jobs and skills	
Planning Priority and Action	Comment
<p>Planning Priority 22 Jobs that match the skills and needs of the community</p> <p>Action 22.1 Complete the LEP employment study and develop LEP and DCP controls to grow job opportunities...</p>	<p>The LSPS structure plan designates a Strategic Centre at Brookvale and identifies it as an employment and innovation centre. Planning Priority 22 identifies a target of 3,000-6,000 additional jobs for Brookvale-Dee Why by 2036, by far the highest growth in the LGA.</p> <p>The proponent's Economic Need and Impact Assessment prepared by Location IQ estimates the Planning Proposal has the potential to create 1,374 jobs (705 on site and a further 669 created indirectly through multiplier effects in the local</p>

	<p>economy). These are significant job numbers for one site and if realised would assist in achieving the job targets and improving the LGA's employment self-sufficiency, the benefits of which are heightened in an economic downturn.</p> <p>The LSPS identifies for Brookvale the opportunity to grow high-skilled employment and innovation-led change. The proponent's list of prospective tenants aligns well with high skilled jobs and innovative business (although, there can be no guarantee as to the future tenants). The Planning Proposal affords a significant opportunity to generate high skilled jobs and support innovative business utilising existing vacant floorspace while retaining the IN1 zone.</p> <p>The Employment Study, LEP review and local structure planning for Brookvale are ongoing. The location of the future commercial core / town centre close to the B-line stop are yet to be identified and its development is a medium-long term prospect. The Planning Proposal is a mechanism to grow jobs in the interim without construction costs and delays, and potentially also foster momentum and interest in the market for new offices to be developed in Brookvale.</p>
<p>Planning Priority 24 Brookvale as an employment and innovation centre</p> <p>Action 24.3 Respond to the findings of the LEP studies, review the draft Brookvale Structure Plan and develop LEP and DCP controls to optimise growth of Brookvale as a transit supportive employment centre, the centre of focus for the LGA</p>	<p>Two relevant principles under Planning Priority 24 are:</p> <ul style="list-style-type: none"> • Support Brookvale as an employment-based centre • Preserve the industrial integrity of industrially-zoned land <p>The Planning Proposal affords a significant opportunity to generate high skilled jobs and support innovative business utilising existing vacant floorspace while retaining the IN1 zone. It is unlikely to undermine the growth of Brookvale as a transport-supportive employment centre as it involves existing floorspace that is not an obvious competitor in the property market for the smaller, more vibrant, diverse, and public-facing businesses that are ultimately intended to cluster in the future commercial core in Brookvale.</p>
<p>Planning Priority 28 Safeguarded employment lands</p> <p>Action 28.1 Complete the strategic review of industrial and urban services land (part of the LEP employment study) and develop LEP and DCP controls to protect the integrity of employment land; address land use interfaces; and facilitate innovative built form</p> <p>Action 28.3 Review and update the draft Brookvale Structure Plan to respond to the findings of the employment study and determine the right mix of industrial and urban services for the centre</p>	<p>The LSPS notes the scarcity of industrial land in the North District and that future planning must balance local needs, a transitioning economy and high value industries.</p> <p>A relevant principle is:</p> <ul style="list-style-type: none"> • Support efficient use of land and built form that responds to changes in technology and innovation. <p>The Draft Brookvale Structure Plan exhibited in late 2017 included possible amendments to the western IN1 area (which includes the subject site) to allow office premises and business premises as additional permitted uses.</p> <p>The Council's ongoing work on the Employment Study and the draft Brookvale Structure Plan will determine the appropriate mix of land uses broadly across the IN1 zoned land. The site will be subject to any applicable LEP changes required to implement the final Structure Plan.</p> <p>In the meantime, the Planning Proposal represents an efficient use of existing built form and a flexible response to the unique characteristics and circumstances of the site. It will enable job creation and economic activity at a time when the community needs it and will give effect to important employment objectives in the LSPS.</p>

Does the proposal have site-specific merit, having regard to the following?

The natural environment (including known significant environmental values, resources or hazards)	The natural environment will not be affected. The proposal relates to use of existing buildings and no alternations or additions are proposed.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.	Council's Transport Network has advised that the proposal is acceptable as it is using existing buildings stock.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for provision.	Council's Transport Network has advised that the proposal is acceptable as it is using existing buildings stock. No road upgrades or other infrastructure requirements have been identified.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. The Planning Proposal is consistent with applicable State Environmental Planning Policies.

6. Is the Planning Proposal consistent with applicable Ministerial Directions?

Yes. The Planning Proposal is consistent with applicable Ministerial Directions.

Ministerial Direction 1.1 Business and Industrial Zones

This direction issued on 1 May 2017 specifies objectives and requirements for planning proposals that will affect land within an existing or proposed business or industrial zone. The objectives are:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres

Relevant requirements are:

- (a) give effect to the objectives of the direction
- (b) retain the areas and locations of existing business and industrial zones
- (d) not reduce the total potential floor space area for industrial uses in industrial zones

The Planning Proposal is consistent with Direction 1.1 as it retains the site's existing IN1 zoning, only enables office premises use of existing ancillary office floorspace, will not reduce the existing floorspace currently used for industrial/warehousing activities, and ensures that if and when the site is redeveloped in the future the proposed APU clause will lapse.

It is reasonable to argue that there will be a reduction in the floor space area for industrial uses as it provides for non-industrial use of floorspace. However, the floor space in question is designed, built and fitted-out for office activities and was historically used for office activities, albeit ancillary to the primary factory/warehousing activities of the organisations which occupied the buildings. Given changes in technology and business, this floorspace could remain largely vacant under the current planning controls. The Planning Proposal would enable efficient, viable use of existing built assets, providing immediate opportunities to generate significant employment and economic activity which would be especially beneficial for the broader community at a time of economic downturn. This is preferable to the floorspace remaining vacant into the foreseeable future.

Ministerial Direction 6.3 Site Specific Provisions

This direction applies to planning proposals that will amend an LEP to allow a particular development to be carried out. The objective is to discourage unnecessarily restrictive site specific planning controls. The Planning Proposal is introducing site specific controls. However, the controls are necessary to comply with strategic objectives and only apply to the existing buildings for the life of those buildings. They will not affect any redevelopment and are therefore minor and not restrictive.

Section C - Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal involves use of existing buildings, and no additional building or site works are proposed.

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

No. The Planning Proposal involves use of existing buildings, and no additional building or site works are proposed. Traffic impact on the local road network is deemed acceptable as the proposal is using existing buildings.

Gateway Determination can require referral to Transport for NSW for consideration of the likely impact of the Planning Proposal on state and regional roads.

Council's Transport Network Referral Response

The response from Council's Transport Network unit raised concerns regarding public transport access (the site is about 1200m walking distance to the bus interchange and B-line stop on Pittwater Road), impacts on the road network, and inadequate parking provision. The response concluded that as the proposal is for an additional permitted use using existing building stock, without any major reconstruction, it is deemed acceptable and detailed transport requirements such as access points, internal roads, parking, and bicycle facilities can be addressed at development application stage.

9. Has the Planning Proposal adequately addressed any social and economic effects?

Yes. On balance, the potential social and economic effects are positive.

Council's Economic Referral Response

Council's Economic Development & Tourism Unit has advised that the Planning Proposal is supported and concluded that, in view of temporary nature of the proposal to allow stand-alone office at the subject site (i.e. until the building is ready for redevelopment), the impact on the longer-term integrity of the Brookvale industrial precinct is less significant. The intent to convert the site back to industrial land uses (such as Life Science or high-technology), in the future would contribute to establishment of Brookvale as an advanced manufacturing hub. In the interim, the take-up of the existing office space would contribute towards addressing skills mismatch on the Northern Beaches and attracting knowledge-based jobs.

The referral comments from Council's Economic Development & Tourism Unit can be summarised as follows:

- The Brookvale IN1 zone represents the largest industrial precinct in the North District, which has been identified as having the lowest ratio of industrial zoned land per capita across all of the metropolitan region, and a clear State Government directive to 'retain and manage'. It is

the manufacturing hub for the region, and has a rich manufacturing history. Today, Brookvale houses around 2,200 manufacturing jobs and 180 registered manufacturing businesses.

- The proposal to allow the existing ancillary office space to be used as stand-alone office not related to any warehouse/manufacturing, could represent a 'potential' loss of industrial floorspace capacity, as this would prevent the site from being re-purposed for industrial uses. However, it is noted that the proponent intends to revert the site back to industrial uses in the future and are proposing only a temporary use of the existing structure for office space. It is envisaged in the future that the site would be used for Life Sciences that support manufacturing, R&D and office.
- The IN1 zone does permit uses that would support Life Sciences (namely high technology industry), which is permitted under the IN1 zone (sub-categories 'Light industry'). There is an existing cluster of technology-based businesses within the Brookvale precinct (film production and software design). Interest in an advanced manufacturing hub in Brookvale's industrial lands could be explored under existing planning provisions.
- There continues to be demand for flexible industrial land which can accommodate integration of manufacturing, warehouse and ancillary office uses. Council recently commissioned a Northern Beaches wide Employment Study. This found that whilst jobs in 'Manufacturing' are projected to decline locally over the next 20 years (-30%), increased floorspace required per worker (i.e. automation), higher office component and demand for wholesale trade and logistics (e-commerce), is estimated to result in continued additional demand for industrial floorspace on the Northern Beaches, with an additional 51,652 sqm required by 2036 across key industrial precincts (9% of existing 636,714 sqm).
- The continued demand for industrial land is acknowledged in the Economic Need and Impact Assessment, as is the recognition that a transition to advanced manufacturing is underway in Brookvale. Maintaining the IN1 zone that permits high-technology, would enable this transition when market conditions are right.
- If the site was to continue to provide office space over the longer-term, this could impact on recommendations of the draft Employment Study for a new commercial core/civic precinct within the wider Brookvale precinct, by absorbing demand for office space. This commercial precinct is proposed to be located along the more accessible Pittwater Road, in close proximity to the B-line to support connections to economic activity in the City and encourage use of public transport, and create a town centre "heart" for Brookvale area. However, as this is only proposed as a temporary permitted use, the proposed site could be a test for demand for office space in the Brookvale area in planning for a new commercial precinct.

In consideration of the comments from Council's Economic Development & Tourism unit it can be concluded that the Planning Proposal enables efficient, employment-supportive use of existing ancillary office space without the cost or delay of building construction. It is estimated to have the potential to create up 1,374 local jobs, which if achieved would be of significant benefit to the community at a time of economic downturn. The proponent's list of prospective tenants aligns well with high skilled jobs, and supports the view that the existing buildings are more likely to attract larger, independent tenants than the smaller, more vibrant, diverse, and public-facing businesses that are ultimately intended to cluster in the future commercial core in Brookvale.

The location of the future commercial core / town centre in close proximity to the B-line stop is still to be determined and its development is a medium to long term prospect. The Planning Proposal is a mechanism to grow jobs in the interim and could potentially foster momentum and interest in the market for new offices to be developed in Brookvale.

The fact that there are significant stocks of vacant office space on the Northern Beaches, in particular the larger floorplates in the Frenchs Forest business park, is not sufficient reason to

refuse to allow use of existing vacant ancillary office space on the site. The subject site offers a different amenity and accessibility to Frenchs Forest, particularly given its location close to a regional shopping centre. Frenchs Forest business park may not have the same appeal.

The Planning Proposal will not reduce the existing warehouse floorspace in the buildings. This space will remain available for continued industrial and urban services activities that support the community.

On balance, the potential social and economic benefits of allowing office premises as an APU, within the specified GFA limits and only for the life of the existing buildings, outweigh any potential negative impacts.

Section D - State and Commonwealth interests

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

Yes. The Planning Proposal involves use of existing buildings, and no additional building or site works are proposed. Council's Transport Network has advised that the proposal is acceptable as it is using existing building stock. Without traffic modelling, it is difficult to predict whether the traffic generated by the proposed office premises will require upgrades to the adjoining regional and state road network, particularly Pittwater Road and Condamine Street. Referral to Transport for NSW can be a requirement of the Gateway determination for the Planning Proposal.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Not applicable at this stage as the Planning Proposal has not progressed to Gateway determination.

CONSULTATION

Preliminary (non-statutory) public notification of the Planning Proposal took place between 17 and 31 August 2020. Three submissions were received. The main concerns raised are:

- potential noise from construction, machinery and roof-top air-conditioning and refrigeration units impacting on residential properties in Allenby Park Parade, and
- lack of parking and increased traffic congestion as a result of the 1,300 additional employees in the proposed offices

These concerns are noted, however they are not sufficient grounds on which to not proceed with the Planning Proposal. Noise impacts can be addressed at the development consent stage. The reference to 1,300 additional employees in the proposed offices is incorrect. The Economic Impact Assessment submitted by the proponent estimates 705 net additional jobs on site, plus a further 669 additional jobs created elsewhere through multiplier effects in the economy.

If the State Government issues a Gateway determination that the Planning Proposal should proceed, formal statutory public exhibition of the Planning Proposal will take place for a minimum of 28 days or as otherwise directed by the Determination.

Agency Referrals

At this stage, the Planning Proposal has not referred to any state agencies for comment. Referral to state agencies such as Transport for NSW can be a requirement of the Gateway determination.

Internal Referrals

Referrals were sent to the following Northern Beaches Council business units for comment:

- Transport Network

- Economic Development & Tourism.

The responses from these two units are discussed in sections 8 and 9 of this report.

Northern Beaches Local Planning Panel Advice

The Northern Beaches Local Planning Panel (the Panel) considered the Planning Proposal on 11 November 2020 (see Attachment 3 for extract of Minutes). The Panel indicated general agreement with the assessment report. The Panel's advice to Council is:

- A. The Panel have concerns about the gross area of the office space and the ability of the proposed WLEP provisions (including the sunset clause and potential creation of existing use rights) to ensure that the buildings will only be temporarily used for this purpose.
- B. The Panel advises Council that the Planning Proposal for 114-120 Old Pittwater Road, Brookvale be forwarded to the NSW Department of Planning, Industry and Environment to seek a Gateway Determination to enable public submissions and further consultation, particularly in relation to the concerns expressed in A. above and in the SGS Report.

TIMING

It is anticipated that the timing for completion of this Planning Proposal would be 6-8 months from the date of Council's endorsement to proceed. Following the issue of a Gateway Determination and statutory public exhibition, the matter will be reported back to Council for final consideration.

If the Council has notified the proponent that it does not support the request to prepare a planning proposal or has failed to indicate its support within 90 days of the proponent submitting their request (90 days in this case is 6 November 2020), the proponent can ask for a Rezoning Review. The proponent has indicated it will wait for the Council to consider the Planning Proposal.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Vibrant Local Economy - Goal 13: Our businesses are well-connected and thrive in our environment that supports innovation and economic growth.
- Vibrant Local Economy - Goal 14: Our economy provides opportunities that match the skills and needs of the population.

FINANCIAL CONSIDERATIONS

The proponent paid the scheduled application fees of \$66,400 for a major planning proposal. These fees become part of the Strategic and Place Planning budget and are used to cover all the necessary work and expenses involved in preparing and progressing the Planning Proposal.

SOCIAL CONSIDERATIONS

The Planning Proposal will enable efficient, employment-supportive use of existing buildings without the cost or delay of construction. It is estimated to have the potential to create up 1,374 local jobs, which if achieved would be of significant benefit to the community at a time of economic downturn.

The Planning Proposal will not reduce the existing warehouse floorspace in the buildings. This floor space will remain available for continued industrial and urban services activities that support the community. The site will remain in the IN1 zone, and when redeveloped in the future the APU will lapse and the whole site will be available to support industrial and urban services activities.

ENVIRONMENTAL CONSIDERATIONS

The proposal involves use of existing buildings. No additional building or site works are proposed.

GOVERNANCE AND RISK CONSIDERATIONS

The Planning Proposal is unlikely to generate significant risk or governance issues.

ITEM 12.5	ADOPTION AND PUBLIC EXHIBITION OF PLANNING PROPOSAL (PEX2020/0008) - REAR OF 88 BOWER STREET, MANLY
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2020/717192
ATTACHMENTS	1 ⇒ Planning Proposal (Included In Attachments Booklet) 2 ⇒ Advice from Northern Beaches Local Planning Panel (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek endorsement by Council of a Planning Proposal to re-zone land at the rear of 88 Bower St, Manly from RE1 Public Recreation to E4 Environmental Living and to apply associated map amendments under Manly Local Environmental Plan 2013 (MLEP) and to progress the Planning Proposal to a Gateway Determination.

EXECUTIVE SUMMARY

A Planning Proposal (PEX 2020/0008) for land at the rear of 88 Bower St, Manly (the site) was lodged with Council on 18 August 2020 by Robinson Urban Planning Pty Ltd on behalf of the Trustees of the Roman Catholic Church for the Archdiocese of Sydney (the proponent). The proposal is to amend the Manly Local Environmental Plan 2013 (MLEP 2013) to rezone the site from RE1 Public Recreation to E4 Environmental Living and apply associated map amendments.

The subject site has been leased for private purposes in conjunction with the residential use of 88 Bower Street since 1964, despite its current zoning, and was sold by the Department of Industry to the Archdiocese of Sydney in 2018. The proponent purchased the property from the former Department of Industry - Lands (DoI – Lands) on 28 August 2018.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Adopt the Planning Proposal for the rear of 88 Bower St, Manly and forward it to the NSW Department of Planning, Industry and Environment to seek a Gateway Determination.
 2. Undertake public exhibition of the Planning Proposal in accordance with the requirements of any Gateway Determination.
 3. That prior to any post-Gateway Planning Proposal being formally exhibited, Council require evidence that the site has been consolidated with 88 Bower St, Manly (Lot 3 DP 8075).
-

REPORT

BACKGROUND

A Planning Proposal (PEX 2020/0008) for land at the rear of 88 Bower St, Manly (the site) was lodged with Council on 18 August 2020 by Robinson Urban Planning Pty Ltd on behalf of the Trustees of the Roman Catholic Church for the Archdiocese of Sydney (the proponent). The proposal is to amend the Manly Local Environmental Plan 2013 (MLEP 2013) to rezone the site from RE1 Public Recreation to E4 Environmental Living and apply associated map amendments.

The subject site has been leased for private purposes in conjunction with the residential use of 88 Bower Street since 1964, despite its current zoning, and was sold by the former Department of Industry – Lands (Dol – Lands) to the Archdiocese of Sydney on 28 August 2018.

Site Description

The site is legally described as Lot 1, DP 1244511 and is approximately 56.8m² with a frontage of approximately 4.49m to Marine Parade. The site is bound by Marine Parade to the north, 92 Bower St to the west which contains a three storey residential flat building, 88 Bower St to the south and 86 Bower St to the west which contains a three storey residential dwelling.

The site is used as private open space for the two/three storey house at 88 Bower St and contains a lawn, pathway and rockery.



Figure 1. Aerial Photo of site and adjoining residential property 88 Bower St

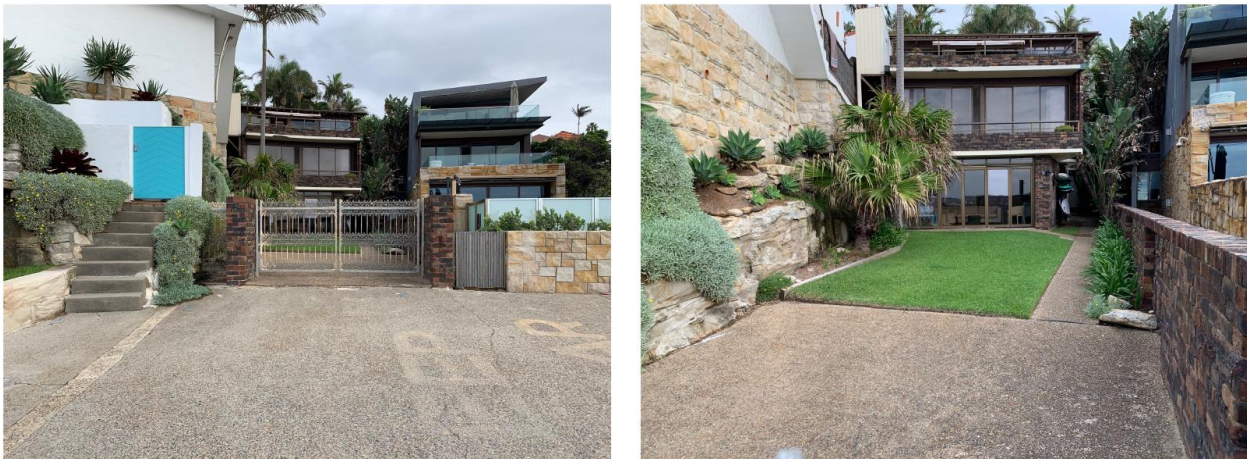


Figure 2. The subject site from Marine Parade (left) and the subject site and North façade of the house at 88 Bower St, Manly (right).

SITE HISTORY AND OWNERSHIP

The site is currently owned by the proponent who purchased the site from DoI – Lands on 28 August 2018. The proponent also owns the adjoining property at 88 Bower St.

The proponent currently leases the site to the occupants of 88 Bower St. Prior to the disposal of the site, the Crown leased the site to various occupants of 88 Bower St under a Permissive Occupancy Licence for the purposes of lawn area, footpath, rockery and beautification since 1964. The site, along with the adjoining land, is reclaimed foreshore land and was originally below the mean high water mark before associated works on surrounding residential development and public foreshore improvements.

In 2011, the Archdiocese Trustees approached DoI – Lands to purchase the site with the intention to consolidate the subject site with 88 Bower St, Manly. DoI – Lands agreed to investigate a potential direct private sale.

DoI - Lands wrote to Manly Council in January 2016 to seek Council's view to establish 'whether Council may have any interests and/or objections to the sale of the subject area'. No objection to the sale was received by DoI – Lands from Manly Council and DoI – Lands agreed to the direct sale of the site and waived the need for a land assessment. Key reasons for the disposal were:

- No objections were received from Manly Council regarding the sale.
- The site is surplus to public and government requirements.
- The site being small in size and relatively enclosed by adjoining private uses, did not offer much public amenity or value and the continued use of the site as private open space for 88 Bower St would not impact on the public use of adjoining Crown Land and reserves.
- The site as a standalone lot is severely constrained due to its small size and location and is only considered of value to the landowner of the adjoining property at 88 Bower St.

The subject site previously formed parts of two larger lots (Lot 7338 DP 1154560 and Lot 7336 DP 1153371) and two land reservations (Shelley Beach Reserve and Manly Freshwater National Surfing Reserve). A new lot was registered to reflect the boundaries of the site on 13 July 2018 and the land reservations were revoked after the sale of the site was approved on 29 June 2018.

Proposed Amendments to Mlep 2013

The following amendments to MLEP 2013 are proposed:

- Rezone the site from RE1 Public Recreation to E4 Environmental Living (see Figure 3)

- Introduce a 500m² minimum lot size for the site (no minimum lot size control currently applies to the site) (see Figure 4)
- Introduce a maximum building height of 8.5m (no maximum building height control currently applies to the site) (see Figure 5)
- Introduce a maximum floor space ratio of 0.45:1 (no maximum floor space ratio control currently applies to the site) (see Figure 6)

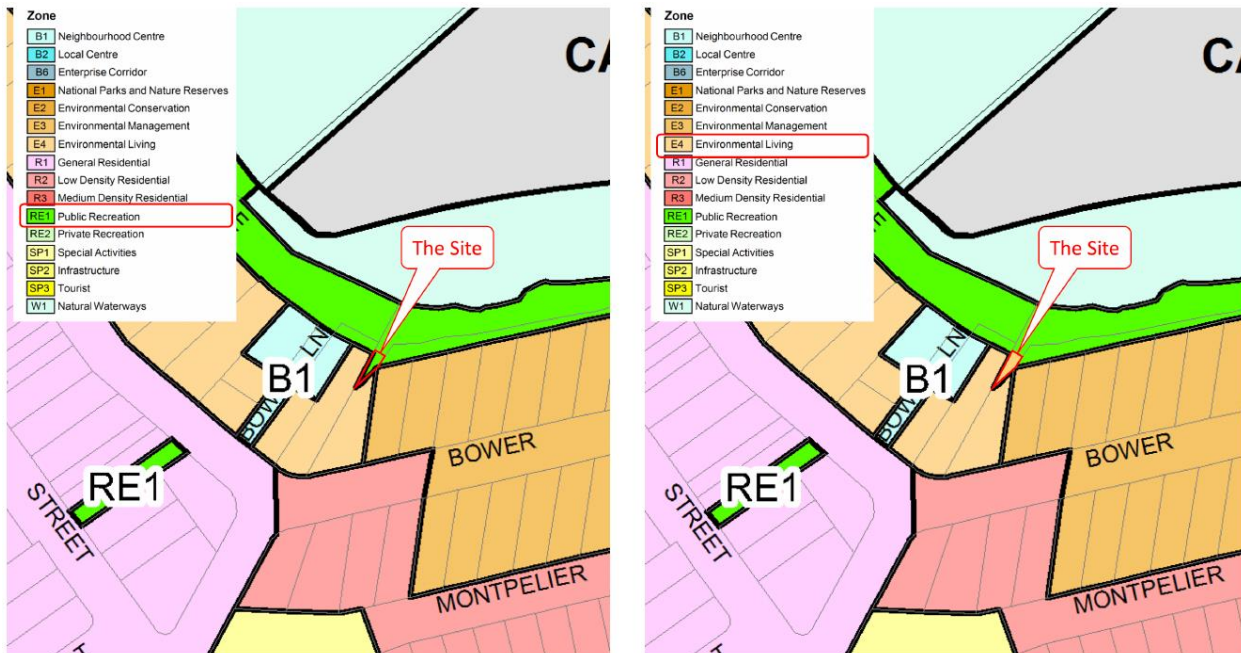


Figure 3. Existing site zoning (left) and proposed zoning (right)

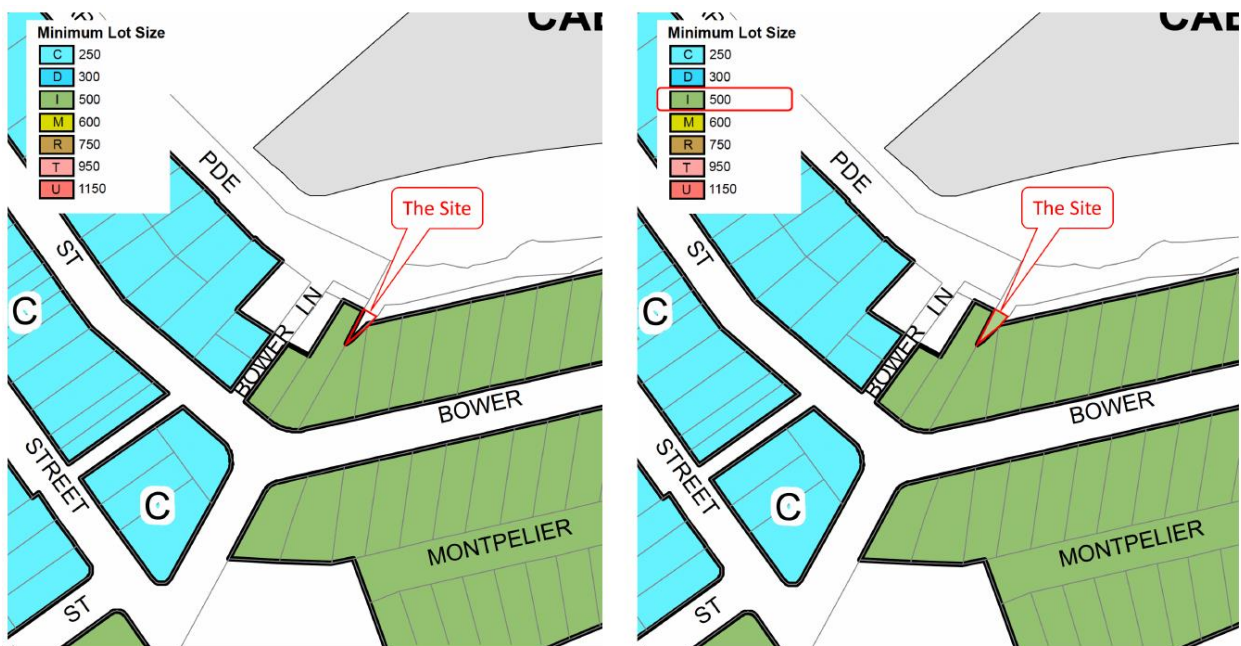


Figure 4. Existing minimum lot size (left) and proposed minimum lot size (right)

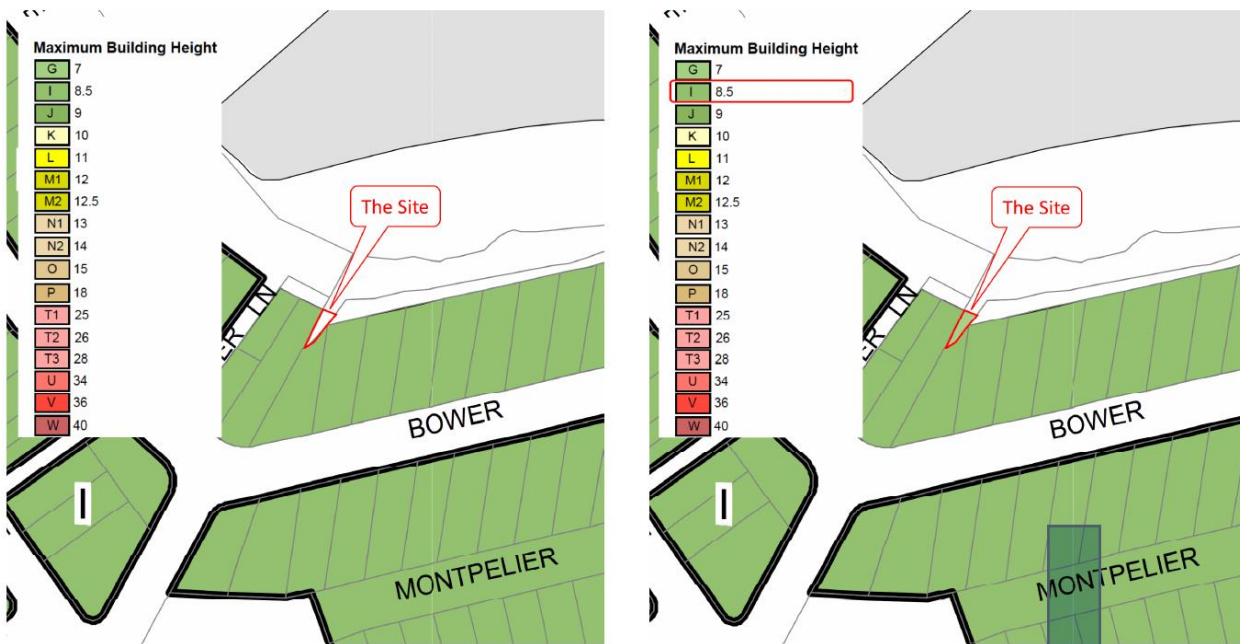


Figure 5. Existing maximum building height (left) and proposed maximum building height (right)

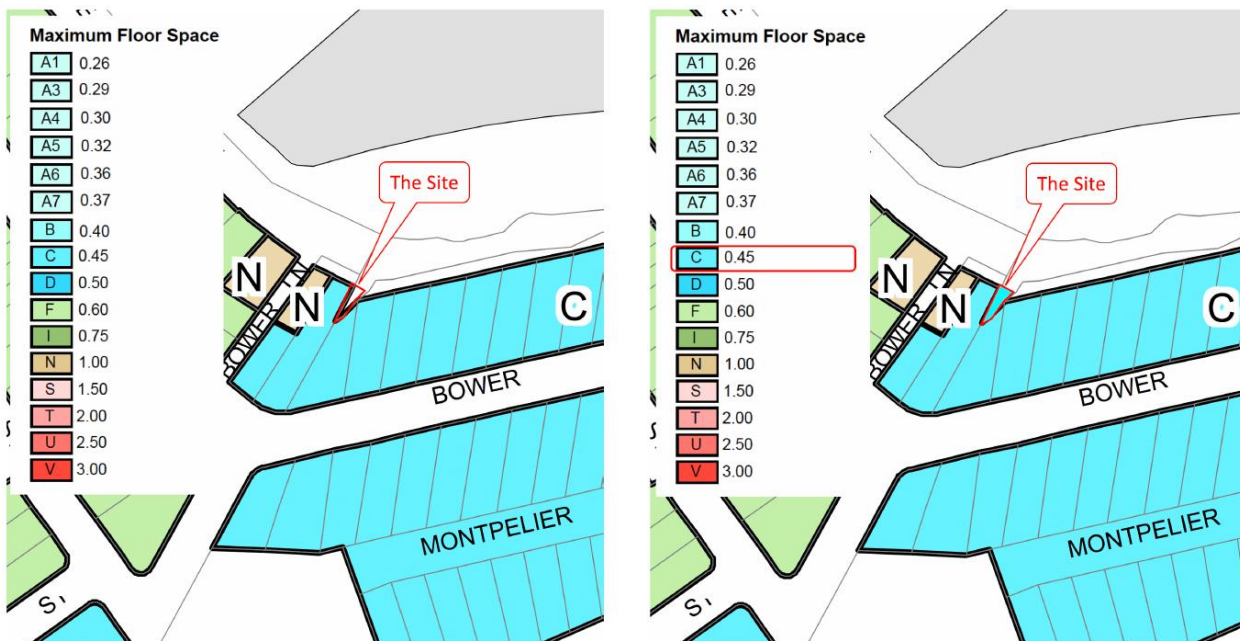


Figure 6. Existing maximum floor space ratio (left) and proposed maximum floor space ratio (right)

Assessment of Planning Proposal

The following assessment is undertaken in accordance with the NSW Department of Planning, Industry and Environment's 'Planning Proposals: A Guide to Preparing Planning Proposals'.

Part 1 – Objectives or Intended Outcomes

The Planning Proposal seeks to amend the Manly Local Environmental Plan 2013 to enable the orderly and economic use of the site for residential purposes, consistent with the site's private ownership and adjoining uses.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Manly Local Environmental Plan 2013 land zoning map (LZN_006) from RE1 Public Recreation to E4 Environmental Living as shown in Figure 3.
- Amending the Manly Local Environmental Plan 2013 lot size map (LSZ_006) to apply a minimum lot size of as shown in Figure 4.
- Amending the Manly Local Environmental Plan 2013 height of buildings map (HOB_006) to apply a maximum height of 8.5m as shown in Figure 5.
- Amending the floor space ratio map (FSR_006) to apply a maximum floor space ratio of 0.45:1 as shown in Figure 6.

Part 3 – Justification

Section A – Need for the Planning Proposal

Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, Strategic Study or report?

The Planning proposal is not the result of any endorsed Local Strategic Planning Statement, strategic study or report. The planning proposal responds to:

- The disposal of the site into private ownership in 2018
- The landowner's intention to consolidate the site and align the site's zoning with the adjoining property at 88 Bower St
- Its status as surplus to government and public needs.

1. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal will allow the orderly and economic use and development of the land in conjunction with the adjoining principal residential property (88 Bower St, Manly) and is the most appropriate recourse for achieving the objectives of the proposal.

Section B - Relationship to Strategic Planning Framework

2. Will the planning proposal give effect to the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategy?)

a) Does the proposal have strategic merit?

Greater Sydney Region Plan – A Metropolis of Three Cities

The proposal supports the following objectives outlined in the Greater Sydney Region Plan:

Table 1. Consistency with relevant priorities in the Greater Sydney Region Plan:

Relevant Planning Priorities	Consistency
Objective 10 – Greater housing supply	The proposal will support residential uses on the site.
Objective 11 – Housing is more diverse and affordable	The proposal will support residential uses on the site.
Objective 14 – Integrated land use and transport creates walkable and 30-minute cities	The proposal will support residential uses on a site close to public transport, jobs, public services and open space.

Objective 31 – Public open space is accessible, protected and enhanced	The proposed amendments would not impact access to surrounding open space and reserves.
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North District Plan

The proposal supports the following priorities outlined in the North District Plan:

Table 2. Consistency with relevant priorities in the North District Plan:

Relevant Planning Priorities	Consistency
Planning Priority N1 – Planning for a city supported by infrastructure (a 30-minute city)	The proposal would provide for residential accommodation in an accessible and well-serviced location to support a 30-minute city
Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposal would provide for residential accommodation close to jobs, services and public transport.

b) Does the proposal have site-specific merit, having regard to the following?

Table 3. Commentary on site-specific merit

The natural environment (including known significant environmental values, resources or hazards).	The site has been identified as generally affected by potential coastal inundation. The planning proposal is supported by coastal engineering advice which found that potential impacts of coastal inundation could be managed through various mitigation measures e.g. elevated floor levels, setbacks and/or wave rump trip barriers and that future development at the site could be designed to have an acceptably low risk of damage by coastal processes and hazards over an acceptably long life. The site will be used as open space for the dwelling house.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.	The proposed amendments will enable the site to continue to be used as private open space and support and align with surrounding residential uses.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	The site is already supported by adequate services and infrastructure serving the surrounding area.

3. Will the planning proposal give effect to a council's local strategy or other local strategic plan?

The planning proposal will give effect to Towards 2040, the Northern Beaches Local Strategic Planning Statement (LSPS) as outlined in the table below.

Table 4. Consistency with the LSPS

Relevant Planning Priorities	Comment
<u>Landscape</u> Priority 1 – Healthy and valued coast and waterways Priority 3 – Protected scenic and cultural landscapes Priority 6 – High quality open space for recreation	<p>Due to the relatively enclosed position of the irregularly shaped site, the proposed amendments will not affect access to surrounding recreation areas, reserves and foreshore. The site has not been used for public access to surrounding open space and recreation areas.</p> <p>The proposed amendments will have minimal impact on the adjacent coastline and waterway, surrounding scenic and cultural landscapes and open space for recreation.</p>
<u>Resilience</u> Priority 8 – Adapted to the impacts of natural and urban hazards and climate change	<p>The proposed amendments are supported by coastal engineering advice which found that any future development on the site as consolidated with the adjoining 88 Bower St could be designed to have an acceptably low risk of damage from impacts of climate change including coastal inundation and sea level rise.</p>
<u>Housing</u> Priority 15 – Housing supply, choice and affordability in the right locations	<p>The planning proposal provides for the provision of additional land for residential purposes. The site is located in a well-serviced and accessible location.</p>
<u>Great Places</u> Priority 18 – Protected, conserved and celebrated heritage	<p>The proposed amendments will have minimal impact on surrounding heritage items. The site is not listed as a heritage item and is not located within a heritage conservation area. There are also no Aboriginal land claims registered on the site.</p>

4. Is this Planning proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy No. 55 – Remediation of Land

The site is reclaimed land and has historically been used for landscaping works and open space adjacent to residential properties and is therefore unlikely to be affected by contamination.

State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)

The site is located within a “coastal environment area” and “coastal use area” as mapped in SEPP Coastal Management where the consent authority must consider whether a proposed development is likely to cause adverse impacts as outlined in the SEPP. Coastal engineering advice prepared by Horton Coastal Engineering reviewed the Planning Proposal against the provisions in SEPP Coastal Management and found that any future development on the site consolidated with 88 Bower St, under the proposed amendments could be designed and sited to satisfy the requirements of the SEPP.

Table 5: Compliance with State Environmental Planning Policies (SEPPs)

SEPPs (as at October 2020)		Applicable	Consistent
19	Bushland in Urban Areas	No	N/A
21	Caravan Parks	No	N/A
33	Hazardous and Offensive Development	No	N/A
36	Manufactured Home Estates	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	No	N/A
55	Remediation of Land	Yes	Yes
64	Advertising and Signage	No	N/A
65	Design Quality of Residential Apartment Development	No	N/A
70	Affordable Housing (Revised Schemes)	No	N/A
	(Aboriginal Land) 2019	No	N/A
	(Affordable Rental Housing) 2009	No	N/A
	(Building Sustainability Index: BASIX) 2004	No	N/A
	(Coastal Management) 2018	Yes	Yes
	(Concurrences) 2018	No	N/A
	(Education Establishments and Child Care Facilities) 2017	No	N/A
	(Exempt and Complying Development Codes) 2008	No	N/A
	(Gosford City Centre) 2018	No	N/A
	(Housing for Seniors or People with a Disability) 2004	No	N/A
	(Infrastructure) 2007	No	N/A
	(Kosciuszko National Park – Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
	(Miscellaneous Consent Provisions) 2007	No	N/A
	(Penrith Lakes Scheme) 1989	No	N/A
	(Primary Production and Rural Development) 2019	No	N/A
	(State and Regional Development) 2011	No	N/A
	(State Significant Precincts) 2005	No	N/A
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A
	(Urban Renewal) 2010	No	N/A
	(Vegetation in Non-Rural Areas) 2017	No	N/A
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A
Sydney Regional Environmental Plans (Deemed SEPPs):			
8	(Central Coast Plateau Areas)	No	N/A
9	Extractive Industry (No 2 -1995)	No	N/A
16	Walsh Bay	No	N/A
20	Hawkesbury – Nepean River (No 2 – 1997)	No	N/A
24	Homebush Bay Area	No	N/A
26	City West	No	N/A
30	St Marys	No	N/A
33	Cooks Cove	No	N/A
	(Sydney Harbour Catchment) 2005	No	N/A

5. Is the Planning Proposal consistent with applicable Ministerial Directions (s 9.1 directions)?

Direction 2.1: Environment Protection Zones

The site does not contain any threatened/endangered species populations or ecological communities or their habitats.

Direction 2.2: Coastal Management

The site has been identified as being generally affected by coastal inundation by the Manly Ocean Beach and Cabbage Tree Bay Coastline Hazard Definition Study 2003. Therefore the planning proposal is inconsistent with item 5 of Direction 2.2 – Coastal Management which states that a planning proposal must not rezone land which would enable increased development or more intensive land-use on land that has been identified as land affected by current or future coastal hazard in a local environmental plan, development control plan, study or assessment by or on behalf of the relevant planning proposal authority.

Direction 2.2 does allow for planning proposals to be inconsistent with the Direction if it can be satisfied that the provisions of the planning proposal that are inconsistent are of minor significance. The proposed rezoning is considered of minor significance since the site would be subject to planning controls including setback requirements and foreshore scenic protection area provisions, which would preclude any significant intensification on the site.

Coastal engineering advice prepared by Horton Coastal Engineering reviewed the Planning Proposal against the provisions in SEPP Coastal and found that future development at the site could be designed to have an acceptably low risk of being damaged by coastal processes and hazards, such that the planning proposal should not be precluded from a coastal engineering perspective.

Direction 2.3: Heritage Conservation

The site is not identified as a heritage item and is not located within a heritage conservation area. The proposed amendments would have minimal impact on nearby heritage items, including Heritage Item No. I167 (Fairy Bower Pool) and Landscape Item No. I168 (Ocean Foreshores), as they are not in the immediate vicinity.

Direction 2.4: Recreation Vehicle Areas

The planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.

Direction 3.1: Residential Zones

The proposed amendments support the provision of housing on the site and are consistent with the objectives of Direction 3.1.

Direction 3.2: Caravan Parks and Manufactured Home Estates

The planning proposal does not include provisions for caravan parks and manufactured home estates.

Direction 3.3: Home Occupations

It is proposed that the subject site be rezoned to E4 – Environmental Living under the Manly Local Environmental Plan 2013 which permits home occupation without consent.

Direction 3.4: Integrating Land Use and Transport

The proposed amendments are consistent with Direction 3.4 as they support the provision of residential accommodation in an accessible location within a walkable distance to services, jobs and public transport.

Direction 6.1: Approval and Referral Requirements

The planning proposal does not include any provisions that require unnecessary requirements for concurrence, consultation or referrals.

Direction 6.2: Reserving Land for Public Purposes

As part of the site's disposal into private ownership, the reservations applying to the site were revoked as they were no longer required for acquisition and were considered surplus to government and public requirements.

Direction 6.3: Site Specific Provisions

The proposed amendments are consistent with the adjoining lot at 88 Bower St and do not include any unnecessarily restrictive site specific planning controls.

Direction 7.1: Implementation of A Plan for Growing Sydney

The proposed amendments are consistent with the strategic plans as outlined in Question 3 of this report.

Table 6: Compliance with Ministerial Directions

Directions (as at October 2020)		Applicable	Consistency
1	Employment and Resources		
1.1	Business and Industrial Zones	No	N/A
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum Production and Extractive Industries	No	N/A
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
2	Environment and Heritage		
2.1	Environment Protection Zones	Yes	N/A
2.2	Coastal Management	Yes	No (acceptable on balance as discussed above)
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	No	N/A
2.6	Remediation of Contaminated Land	No	N/A
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	No	N/A
3.6	Shooting Ranges	No	N/A
3.7	Reduction in non-hosted short term	No	N/A

Directions (as at October 2020)		Applicable	Consistency
	rental accommodation period		
4	Hazard and Risk		
4.1	Acid Sulfate Soils	No	N/A
4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	No	N/A
4.4	Planning for Bushfire Protection	No	N/A
5	Regional Planning		
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.9	North West Rail Link Corridor Strategy	No	N/A
5.10	Implementation of Regional Plans	No	N/A
5.11	Development of Aboriginal Land Council land	No	N/A
6	Local Plan Making		
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	Yes
7	Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Yes	Yes
7.2	Implementation of Greater Macarthur Land Release Investigation	No	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	No	N/A
7.10	Implementation of Planning Principles for the Cooks Cove	No	N/A

Directions (as at October 2020)	Applicable	Consistency
Precinct		

CONSULTATION

Council placed the Applicant's Planning Proposal on a non-statutory public exhibition in accordance with the Northern Beaches Community Participation Plan from 31 August 2020 – 14 September 2020] (2 weeks). Notification included:

- Letters to land owners and occupiers within the vicinity of the subject site
- Electronic copies of the exhibition material on Council's website
- Emails to registered community members who have listed their interest on Council's Community Engagement Register

Submissions

Three submissions were received in response to the public exhibition period objecting to the proposal. Issues raised include:

- Loss of scarce public recreation land
- Loss of amenity caused by proposed rezoning
- Potential for land to be used for public uses in the future
- Opposition to historical and potential future use of land for private purposes.

Response

It is accepted that Council should, where possible, retain, enhance and increase public recreation land at every opportunity. However, the site has been leased for private purposes in conjunction with the residential use of the front section of the land since 1964, despite its current zoning, and was sold by DoI - Lands to the Archdiocese of Sydney in 2018.

Council has no record of objection by the former Manly Council to this sale.

The size and shape of the land restrict its use for recreational purposes and Council's Coast and Catchments team, Property Commercial and Tourist Assets team and Open Space and Recreation team have raised no objection to the Planning Proposal.

Retention of the current zoning of the land could trigger Council acquisition provisions under the LEP.

The proposed rezoning will not result in amenity impacts provided the current use is maintained. However, the rezoning would make a range of additional land uses permitted. Given the very small size of the land, it is appropriate that the site is consolidated with the front half of 88 The Bower to guarantee its continued use in conjunction with that land.

The recommendation to Council to require the landowner to consolidate the rear of 88 Bower and 88 Bower St, Manly addresses this matter.

Agency Referrals

The Planning Proposal was not referred to any government agencies for comment. This will occur following any Gateway approval.

Internal Referrals

Referrals were sent to the following Northern Beaches Council business units requesting specialist feedback on the planning proposal:

- Coast and Catchments
- Property Commercial and Tourist Assets
- Open Space and Recreation

No internal referrals raised issues or concerns in regard to the proposed amendments.

Northern Beaches Local Planning Panel Advice

The Northern Beaches Local Planning Panel (the Panel) considered the Planning Proposal on 11 November 2020 and indicated general agreement with the planning proposal report. The advice of the Panel is as follows:

- A. The Panel recommends that Council endorse the Planning Proposal lodged for the rear of 88 Bower St, Manly, to be submitted to the Department of Planning, Infrastructure and Environment to seek a Gateway Determination.
- B. That prior to any post-Gateway Planning Proposal being formally exhibited, evidence is provided that the site has been consolidated with the front part of the site fronting 88 Bower Street.

TIMING

It is anticipated that the timeframe for the completion of the Planning Proposal is approximately 10 – 12 months from the date of Council's approval to proceed. Following the issue of a Gateway Determination, Council will be required to formally exhibit the Planning Proposal for 28 days. The matter will be reported back to Council for final consideration following exhibition.

LINK TO STRATEGY

The planning proposal aligns with goals outlined in Shape 2028, the Northern Beaches Community Strategic Plan, in particular:

- Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations
- Our environment and community are resilient to natural hazards and climate change
- Our community is well-supported in protecting the environment
- Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.

FINANCIAL CONSIDERATIONS

The assessment of the Planning Proposal is funded by the prescribed Planning Proposal fee as set out in Councils Fees and Charges 2020/21 and does not have an adverse impact on Council's budget.

SOCIAL CONSIDERATIONS

The proposed amendments will allow for the site to align with surrounding residential uses and will have minimal social impact on surrounding areas.

ENVIRONMENTAL CONSIDERATIONS

The proposed amendments will have minimal environmental impact on surrounding areas. The planning proposal is supported by coastal engineering advice which found that risks and impacts associated with coastal processes can be mitigated to allow for residential uses to continue with an acceptable level of risk.

GOVERNANCE AND RISK CONSIDERATIONS

The Planning Proposal is unlikely to generate significant risk or governance issues.

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1	STREETS AS SHARED SPACES
REPORTING MANAGER	ACTING EXECUTIVE MANAGER WASTE MANAGEMENT AND CLEANSING
TRIM FILE REF	2020/705577
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ The Serpentine Illustrative Map (Included In Attachments Booklet) 2 ⇒ Bilgola Traffic Management Plan (Included In Attachments Booklet) 3 ⇒ Bilgola Community Engagement Report Summary (Included In Attachments Booklet) 4 ⇒ Manly Illustrative Map Overview - Initial Concept (Included In Attachments Booklet) 5 ⇒ Manly Traffic Management Plan - Initial Proposal (Included In Attachments Booklet) 6 ⇒ Manly Connection - Revised Overall Plan (Included In Attachments Booklet) 7 ⇒ Manly Connection - Revised Detail Plans (Included In Attachments Booklet) 8 ⇒ Community Engagement Report - Manly Streets as Shared Spaces (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report the program to Council, document community engagement to date and seek approval to implement the project outcomes for the Streets as Shared Spaces.

EXECUTIVE SUMMARY

In May 2020, Council was given the opportunity to apply for funding from The Department of Planning, Industry and Environment (DPIE) Streets for Shared Spaces program. Several projects were proposed under both;

Category 1 - rapid deployment activations (Tania Park car free trial, The Strand Dee Why closure and dining activation, Robertson Road Newport closure and dining activation and the Waratah Road partial closure and outdoor dining activation, and

Category 2 - semi-permanent pilot projects with both the Activate Manly and Activate Bilgola projects progressed by the evaluation panel containing members from various NSW Government Departments, including TfNSW, DPIE, NSW Health, and the Government Architect NSW.

These projects were progressed to concept design and the application updated in June for further evaluation by the panel. Northern Beaches Council was successful in obtaining grant funding under this program in August to facilitate pilot activation projects to deliver “proof of concept style” improvements to local streets, paths or public spaces for these two projects.

The DPIE Streets as Shared Spaces program is designed to allow Council to gauge the community’s response to road closures and changes to the road environment before embedding longer term changes or future activations. The program benefit to the community are to encourage physical activity and wellbeing, whilst providing opportunities to improve social distancing in high

pedestrian activity areas. Reclaiming space for pedestrians aligns with the Northern Beaches Council's strategic vision for a green and connected city and the focus on creating walkable neighbourhoods with accessible local centres and village streets and prioritising space for people on streets to enable easy movement.

The Activate Manly Project is part of a package of works that seeks to improve and activate the connections around town centres and beaches in the Northern Beaches Council Local Government Area. The initial proposal, as shown in attachment 4, was to reduce the speed limit along Whistler Street from Sydney Road through to the Corso and on to Darley Road, closing the road to southbound traffic, installing a bi-directional cycleway and increasing the available street dining area along this section. The other portion of the project was to provide a bi-directional cycleway along Belgrave Street to link Raglan Street and Kangaroo Lane to Sydney Road.

Based on the feedback from Community Consultation undertaken in November, a revised option was developed to remove the dedicated cycling components of the project through the Manly CBD and reduce the on street dining provision to 3 areas along the route and retain the two way traffic and 30km/h speed limit. See attachments 6 and 7. This revised design has been discussed with the adjoining businesses to determine the support for the revised scheme.

The next step once the project is endorsed by Council, will be to seek approval of the project variation from DPIE prior to implementation in February 2021.

The Activate Bilgola project intended to create a walking and cycling-friendly link along The Serpentine. Linking the proposed shared path between Newport Beach and The Serpentine, Bilgola Beach and then on to Avalon Village via a future shared path link from The Serpentine along Barrenjoey Road to Avalon headland. The concept was for a 10km/h shared zone (which at the time of going on exhibition was the only approved speed limit available) with additional traffic calming to enhance safety and marked climbing lanes for cyclists.

Based on the Community Consultation undertaken in November, the decision was made to pause and review options to provide the continuous link for the coast walk in this area. The main concerns were the 10 km/h speed limit, access and cyclists mixing with the vehicles of residents.

The potential for a different speed limit and removal of the cycle link was discussed at the drop in sessions and there was some increased support for the project if these items could be addressed to provide improved amenity for the residents and reduce the use of The Serpentine as a rat run to bypass Barrenjoey Road through Bilgola Bends.

The project links to several adopted Council strategies including MOVE – Northern Beaches Council Transport Strategy, the Northern Beaches Bike Plan, and the Community Strategic Plan.

Council has paused this project and is currently reviewing options for provision of this link. Progression of this project will be the subject of a further report to Council.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Acknowledges the NSW Government for providing the funding for the program.
 2. Receives the detailed Community engagement report on the Activate Manly project and the Community Engagement summary report on the Activate Bilgola project.
 3. Writes to the Department of Planning Industry and Environment requesting approval of the project scope variation for Activate Manly.
 4. Endorses the Activate Manly project revised project scope to be installed in February 2021.
 5. Receives a report on the Activate Manly Project to evaluate the performance of the trial and any improvements that may be required or requested, 3 months after implementation.
 6. Receives a further report on the options on the connection between Avalon and Newport via Bilgola.
 7. Receives a briefing in 2021 on options for other projects that could be delivered at short notice in line with the program funding guidelines, subject to approval of the project funding scope changes by Department of Planning Industry and Environment and appropriate public consultation.
-

REPORT

BACKGROUND

Northern Beaches Council has been successful in obtaining NSW Government grant funding under The Department of Planning, Industry and Environment (DPIE) Streets for Shared Spaces program. This program is to facilitate pilot activation projects to deliver “proof of concept style” improvements to local streets, paths or public spaces.

Several projects were proposed under both:

Category 1 - rapid deployment activations (Tania Park car free trial, The Strand Dee Why closure and dining activation, Robertson Road Newport closure and dining activation and the Waratah Road partial closure and outdoor dining activation), and

Category 2 - semi-permanent pilot projects with both the Activate Manly and Activate Bilgola projects progressed by the evaluation panel containing members from various NSW Government Departments, including TfNSW, DPIE, NSW Health, and the Government Architect NSW.

The Streets as Shared Spaces program allows Council to test the community’s response to changes to the road environment before embedding longer term changes or future activations. The program provides benefits to the community by encouraging physical activity and wellbeing. Reclaiming space for pedestrians aligns with the Northern Beaches Council’s strategic vision for a green and connected city and the focus on creating walkable neighbourhoods with accessible local centres and village streets and prioritising space for people on streets to enable easy movement.

Manly Project

The Activate Manly Project is part of a package of works that seeks to improve and activate the connections around town centres and beaches in the Northern Beaches Council Local Government Area. The initial proposal, as shown in attachment 4, was to reduce the speed limit along Whistler Street from Sydney Road through to the Corso and on to Darley Road, closing the road to southbound traffic, installing a bi-directional cycleway and increasing the available street dining area along this section. The other part of the project was to provide a bi-directional cycleway along Belgrave Street to link Raglan Street and Kangaroo Lane to Sydney Road.

Based on the Community Consultation undertaken in November, a revised option (Attachments 6 and 7) was developed to remove the active transport components of the project through the Manly CBD and reduce the on street dining provision to 3 small areas along the route and retain the two way traffic and 30km/h speed limit.

The revised proposal was presented in early December to local businesses individually to allow for further refinement of the concept and address any concerns they had with the project. The discussion with the local businesses was positive and the revised plan was viewed favorably by the affected businesses during the walk through with council staff.

The initial concept plans and the revised option plans are attached to this report and provides comparison between the two concept proposals. The revised concept still includes pavement treatments to reinforce traffic calming that would be implemented in line with the concept plan and additional signage installed to manage the conflict points along the area where the majority of pedestrians would be walking and highlighting the existing Active Transport functionality of the road.

Bilgola Project

The Activate Bilgola Project intended to create a walking and cycling-friendly link along The Serpentine (attachment 1). Linking the proposed shared path between Newport Beach and The Serpentine, Bilgola Beach and then on to Avalon Village via a future shared path link from The Serpentine along Barrenjoey Road to Avalon headland. The concept was for a 10km/h shared

zone (which at the time of going on exhibition was the only approved speed limit available) with additional traffic calming to enhance safety and marked climbing lanes for cyclists.

As a result of the detailed assessment and subsequent discussions with Transport for NSW, consideration has been given to a hybrid Shared Zone trial with a new speed limit zoning considered for use in this area of 20km/h. This would still allow the road corridor to be used in times where the capacity of Barrenjoey is restricted and also provide a safe pedestrian environment in times of peak pedestrian activity. There would be no requirement to construct kerb and gutter or formalised footpaths with this current option.

Council has paused this project and is currently reviewing options for provision of this link. Progression of this project will be the subject of a further report to Council.

CONSULTATION

Initial consultation was undertaken after the Northern Beaches Council Local Traffic Committee approved the concept design at the October Meeting, and was originally placed on 14 days consultation which was then extended to 28 days due to public submissions received.

Manly Project

The initial consultation period closed on the 22 November with 532 online submissions and 60 written submissions were received and detailed in the attached Engagement Summary Report (attachment 8).

Feedback received was assessed through a qualitative process and determined as supportive, somewhat supportive, not supportive overall or not supportive of the proposed location.

- 31 percent of comments received indicated support of the proposed trial. Those who provided supportive comments were very passionate in their support, especially as relates to the provision of more space for safe cycling and active travel to and within the Manly CBD.
- An additional 12 percent of comments were in support of the proposed trial, but these comments also included suggestions for minor changes to the design.
- 47 percent of comment received were not supportive or had concerns about the trial proceeding. Concerns included emergency vehicle access, safety, increased congestion and loss of parking.
- In addition, nine percent of respondents, whilst supportive of the Streets as Shared Spaces initiative, felt that the proposed location of the trial was not suitable or appropriate.

The revised scheme addresses the issues raised during the community engagement. Staff met with local businesses in early December to gauge their views on the revised scheme (attachments 6 and 7) and these businesses are generally supportive of the changes to the scope of the project.

There was some feedback that the original scope should be trialled for a period to see if it works and adjusted to address the localised concerns. This includes an independent online petition that has over 110 signatures.

Due to the nature of the DPIE funded project, ongoing feedback will be sought until the end of the trial period, with the your say engagement page being updated prior to each quarterly review to allow residents and the wider community to provide their feedback on the trial, including what is working and what improvements they would like to include in the project as it moves forward.

Bilgola Project

The initial consultation period closed on the 22 November with 398 online submissions and 59 written submissions received and as detailed in the attached Engagement Summary report

(Attachment 3). Initial consultation was also undertaken with both the Avalon Preservation Association and the Newport Residents Association representatives.

Public face to face sessions were also undertaken by the project team at Bilgola SLSC on Friday 20 and 22 November to allow residents to discuss their concerns with the project team directly. There were 50 residents registered to attend the 10 sessions and the main themes of concerns raised include the proposed shared zone speed limit of 10km/h was too slow, cyclists would not use it, restricting access to the residents, and safety concerns. There was also support on the need to address the use of the road as a bypass or rat run, and the need to improve pedestrian safety in some locations along The Serpentine.

TIMING

The revised Manly project, if endorsed, is expected to be implemented by mid-February 2021. The DPIE trial program is to be finalised by the end of December 2021.

Program reviews will be undertaken quarterly in April, July, October, and a report to determine the benefits, outcome and future of the trial will be reported to Council in December 2021.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Transport and Infrastructure - Goal 17: Our community can safely and efficiently travel within and beyond Northern Beaches.
- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.

This report also relates to MOVE – Northern Beaches Transport Strategy

- Theme 1 - Accessible and Liveable Places
 - Action 1. Create and enhance “Places for People” that are integrated with public transport, creating vibrant, connected places with wide footpaths, safe cycling options and where the car is not the first option.
- Theme 2 – Active Travel
 - Action 2. Prioritise smart, active travel network improvements (through technology, end of trip facilities, and way-finding signage). Expand footpath and shared path networks to improve connectivity and safety, making walking and cycling attractive alternatives to the car.
 - Action 2. Deliver safe, active travel across all modes of transport for school aged children and young people.
 - Action 3. Provide a safe environment, both on and off-road for all users and end of trip facilities to make it a realistic option for commuting.
 - Action 4. Expand cycle network to reduce conflict between road users.

FINANCIAL CONSIDERATIONS

Funding to support the Activate Manly and Bilgola Project is provided through the grant funding secured from Department of Planning, Industry and Environment. The ongoing monitoring of the project outcomes is included in the existing Transport Network operational budget.

SOCIAL CONSIDERATIONS

The community benefit of the project proceeding is one of the key considerations in this project reporting program. Typically projects of this nature improve the social connection of the local residents as they can utilise the public space - in this case the road reserve - to gather and connect as neighbours.

The revised Manly project provides an improvement to the local amenity for outdoor dining for use by all adjoining businesses and provides an improved connection between the Kangaroo Lane cycleway and Raglan Street.

Improvements to the Active Transport connections have the potential to further enhance the health and wellbeing of the community by providing opportunities to safely exercise walking and riding.

The Bilgola project would provide a safer active transport connection between Newport, through Bilgola, to Avalon, complementing the ongoing delivery of the Northern Beaches Coast Walk.

ENVIRONMENTAL CONSIDERATIONS

The Activate Manly project provides for increased area of vegetation through the use of planter boxes as traffic calming allows for an increase in vegetation with the existing pavement space.

This project has minimal environmental impact given that it is a trial.

GOVERNANCE AND RISK CONSIDERATIONS

With all projects that are defined as a trial, there are risks that are present and need to be mitigated through engineering controls. This project will have ongoing Road Safety Audits undertaken to ensure safety issues are addressed, if they arise.

The monitoring and report framework also need to be robust to address community concerns and ensure accurate reporting of the progress of the trial.

ITEM 13.2	PUBLIC EXHIBITION OF THE AMENDMENT TO ACTION 63 OF THE DEE WHY LAGOON WILDLIFE REFUGE PLAN OF MANAGEMENT (2002) TO MAKE PERMISSIBLE PROPOSED STORAGE FOR THE DEE WHY SURF LIFE SAVING CLUB BUILDING
REPORTING MANAGER	ACTING EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2020/709604
ATTACHMENTS	<ol style="list-style-type: none"> 1 Dee Why Surf Life Saving Club Building Location and Land Categories 2 Storage Space Proposal for the Dee Why Surf Life Saving Club Building 3 Excerpt from Dee Why Lagoon Wildlife Refuge Plan of Management (2002) - Action Table 3

SUMMARY

PURPOSE

To seek approval for the public exhibition of a draft amendment to the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) to propose additional storage and a balcony for the Dee Why Surf Life Saving Club building located in James Meehan Reserve, Dee Why.

EXECUTIVE SUMMARY

The Dee Why Surf Life Saving Club (the Club) founded in 1912 and with more than 750 members, has approached Council for permission for a modest extension to the surf club building in James Meehan Reserve, Dee Why. The Club's proposal is for additional storage space on the ground level at the northern end of the building and an uncovered balcony above (Attachments 1 and 2). The proposal does not increase the building height. Safe general public pedestrian access around the building is to be integrated into the design.

Additional space is proposed to meet the Club's current and future needs for storage, particularly for surf life saving equipment and surf craft. It is essential that this equipment is stored in the surf club building close to where the Club's activities are conducted at Dee Why Beach.

The Dee Why Lagoon Wildlife Refuge Plan of Management (2002) made provision for alternations to the surf club building which have been completed. It is recommended that the draft amendment to the Plan of Management, that if successful would make permissible the Club's storage proposal and balcony as outlined in this report, be publicly exhibited for community feedback. The draft amendments to the Plan of Management will be placed on public exhibition for 56 days and the outcomes reported back to Council at its meeting in May 2021.

No other changes to the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) are proposed.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That

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

REPORT

BACKGROUND

The Dee Why Surf Life Saving Club (the Club) founded in 1912 and with more than 750 members has approached Council for permission for an extension to the surf club building located in James Meehan Reserve, Dee Why. The Club's proposal is for additional storage space on the ground level at the northern end of the building and an uncovered balcony above (Attachments 1 and 2). The proposal does not increase the building height. Safe general public pedestrian access around the building is to be integrated into the design.

Additional space is proposed to meet the Club's current and future needs for storage, particularly for surf life saving equipment and surf craft. It is important that this equipment is stored in the surf club building close to where the Club's activities are conducted at Dee Why Beach.

DEE WHY LAGOON WILDLIFE REFUGE PLAN OF MANAGEMENT (2002)

The Dee Why Lagoon Wildlife Refuge Plan of Management, 2002 (the PoM) applies to the land on which the surf club building is located. An amendment to this PoM is required to permit the proposal for storage and a balcony.

The Wildlife Refuge includes the lagoon and surrounding natural area, dunes and beach as well as the Dee Why Surf Life Saving Club building (the surf club building), car park, amenities, James Meehan Reserve and playground. It is bounded by Pittwater Road to the north/west and Long Reef Beach to the north. The Wildlife Refuge is made up of a combination of Community Land, Crown Land and Crown Reserve (Attachment 1). The surf club building stands on Community Land and is categorised as General Community Use.

A vision for the Dee Why Lagoon Wildlife Refuge was developed following the community consultation process for the PoM. It states that:

The vision for Dee Why Lagoon Wildlife Refuge is to preserve the natural appearance of the lagoon edge and its original natural perimeter and to:

- *Conserve a significant natural area supporting a diversity of native aquatic and terrestrial flora and fauna; and*
- *Provide a range of low key, predominantly passive, recreational and educational opportunities that are complementary to the Refuge's natural heritage values.*

The area has been declared a Wildlife Refuge under the National Parks and Wildlife Act 1974. Lands within a Wildlife Refuge are dedicated for the purposes of:

- Preserving, conserving, propagating and studying wildlife;
- Conserving and studying natural environments; and
- Creating simulated natural environments.

The Wildlife Refuge is designated as a Specific Area and has high conservation value for estuarine flora and fauna and migratory birds including threatened species. It provides an important area of open space within an urban setting.

The PoM acknowledges that issues do change over time, however, the consultation undertaken for the PoM identified a number of values which fall under the following broad categories:

- Natural Environment
- Recreation
- Education

- Aesthetics
- Social
- Heritage
- Access

The above values are addressed by a series of management actions in the PoM Action Plan. The PoM Action Table 3 (p. 41) states the following in relation to the area of the Wildlife Refuge categorised as General Community Use, which includes the surf club building and car park:

Core Objectives - are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- *In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and*
- *In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

Proposed Draft Amendment to the Plan of Management

The PoM Management Action 63 in Action Plan Table 3, p.42 (Attachment 3) allows for an extension to the surf club building.

The development works described in this Action have been completed.

The following amendment to Action 63 would detail the Club's current proposal:

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

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

The proposed draft amendment is in keeping with the core objectives of the area of the Wildlife Refuge categorised as General Community Use as well as the identified Recreation, Education, Social and Heritage values. Due to the geographical constraints of the site, which has an access road and public amenities to the north, no further extensions, other than those currently proposed, are likely to be permitted. No other changes to the PoM are proposed.

CONSULTATION

It is proposed that the draft PoM amendment outlined in this report is placed on public exhibition for community feedback. Public exhibition would be promoted via:

- Signs at the surf club building with details of proposed changes.
- A drop in session at surf club building for people wishing to see the plans and ask questions.
- E-mail to Council's community engagement register.
- Targeted stakeholder consultation including with the Friends of Dee Why Lagoon.
- Letter box drop to neighbouring residents and businesses.

The outcomes of the public exhibition would be reported back to Council.

TIMING

Should public exhibition of the draft PoM amendment be endorsed, the exhibition period will commence 22 January 2021 and close on Sunday 21 March 2021. The outcomes of the public exhibition and recommendation(s) regarding the amendment would be reported to a Council meeting by May 2021.

The implementation of the Club's proposal for the surf club building is dependent on the PoM amendment being approved after public exhibition by Council and a subsequent Development Application being lodged, assessed and approved.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

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

FINANCIAL CONSIDERATIONS

The cost of the Club's proposal for the surf club building is to be funded by the Club.

Funding to support the exhibition and adoption of the draft PoM amendment is included in the existing budget.

SOCIAL CONSIDERATIONS

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

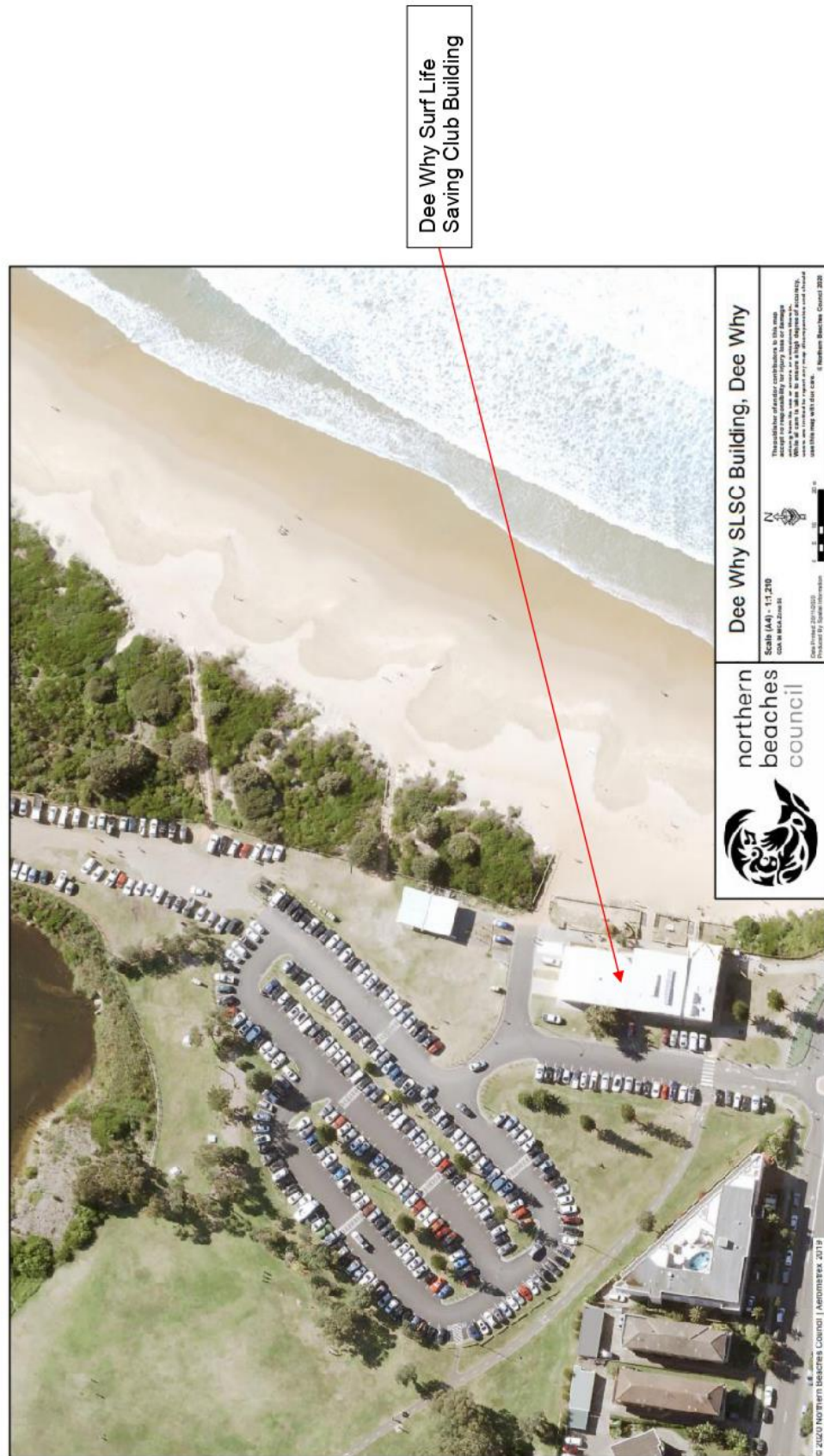
ENVIRONMENTAL CONSIDERATIONS

The Club's proposal for the surf club building including design and construction is contingent on the outcome of a Development Application under Part IV of the Environmental Planning and Assessment Act 1979, which can only be lodged should the PoM be successfully amended. The Development Assessment process assess the environmental impact and will identify all required controls to protect the environment if it were to be approved.

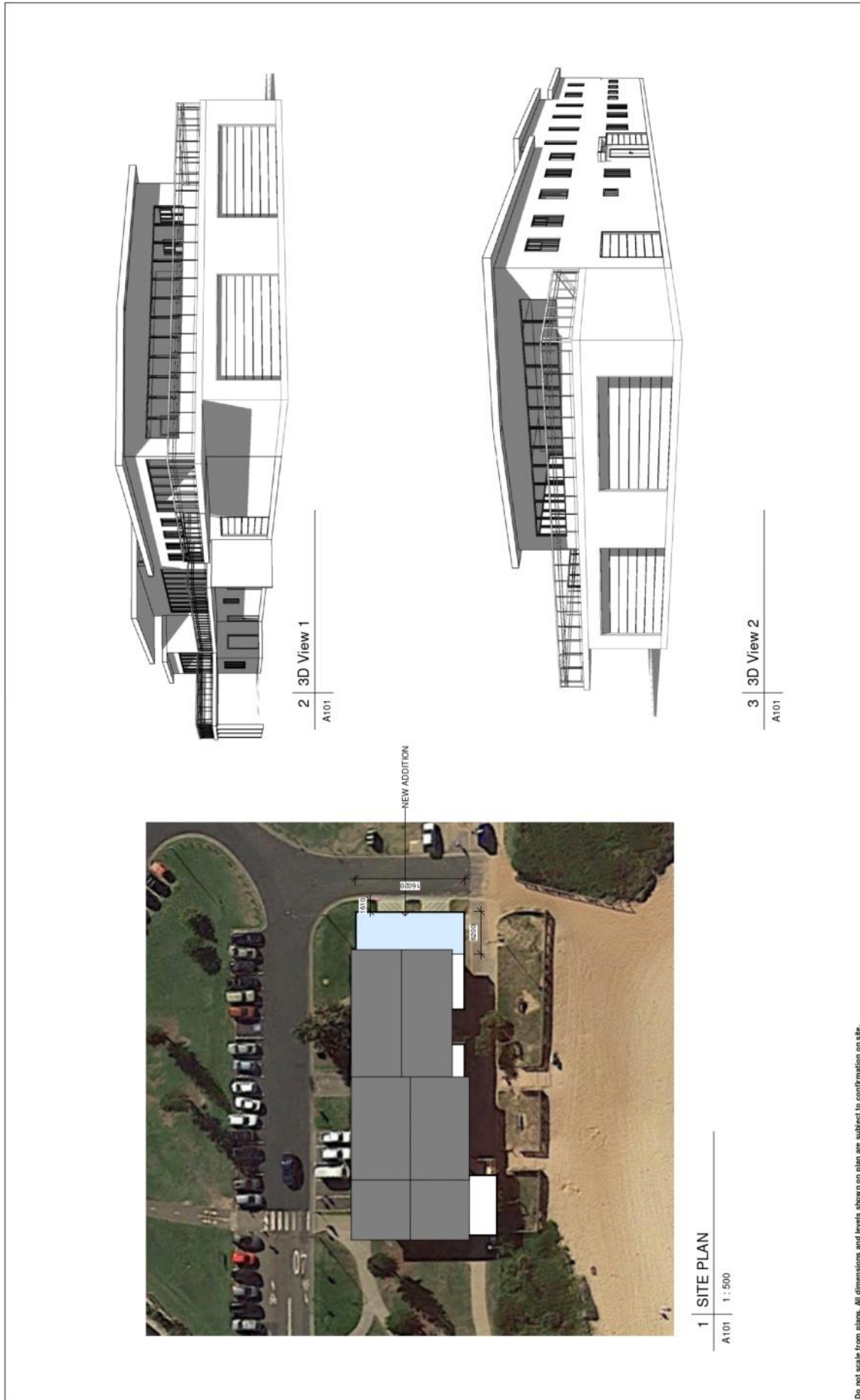
GOVERNANCE AND RISK CONSIDERATIONS

An amendment to the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) can be made through the public exhibition of an amendment that outlines the proposed changes. Following public exhibition a report will be presented back to Council about community feedback and that provides a recommendation on whether or not to support the draft PoM amendment.

Attachment 1: Dee Why Surf Life Saving Club Building, James Meehan Reserve, Dee Why









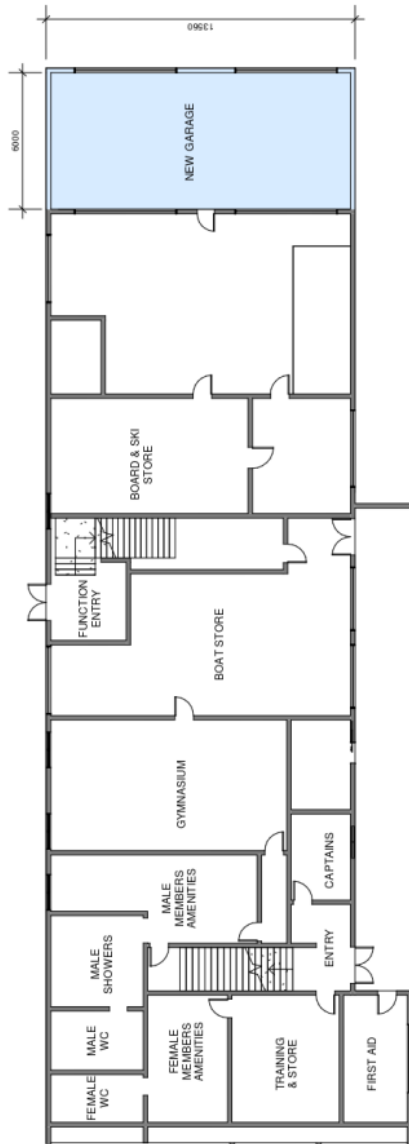
SHEET TITLE: SITE PLAN
SHEET NO: A101
SCALE A3: 1 : 500

PROJECT TITLE: ALTERNATION & ADDITION
PROJECT NO.: 2018025
AT: LOT12 DP233606
FOR: Dee Why Surf Life Saving Club


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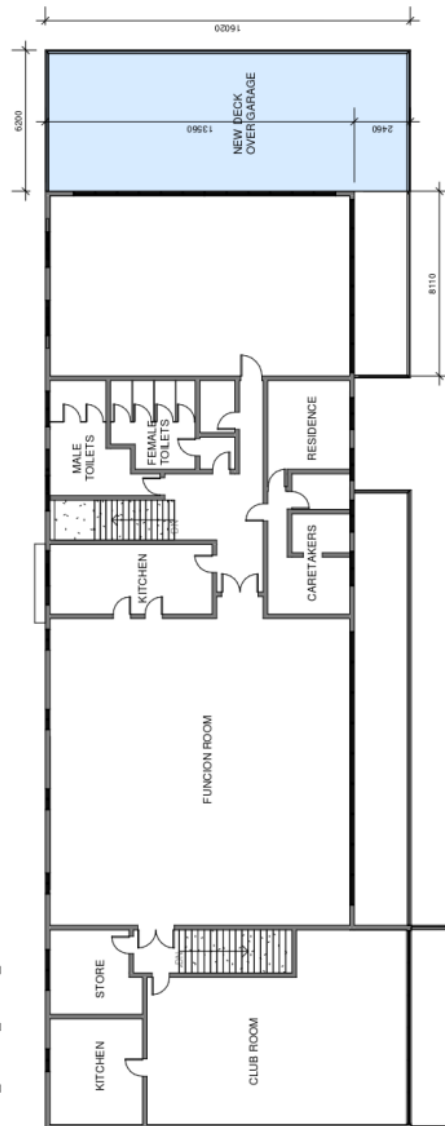
ISSUE	DATE	DESCRIPTION	DRWN	CHKD
1	30.05.2018	PRELIMINARY	KM	

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1 | GFL - EXISTING

A102 1:200



2 | FFL - EXISTING

A102 1:200

Do not scale from plans. All dimensions and levels shown on plan are subject to confirmation on site.

SHEET TITLE: FLOOR PLANS

SHEET NO: A102

SCALE A3: 1:200

PROJECT TITLE: ALTERNATION & ADDITION

PROJECT NO.: 2018025

AT: LOT12 DP233606

FOR: Dee Why Surf Life Saving Club

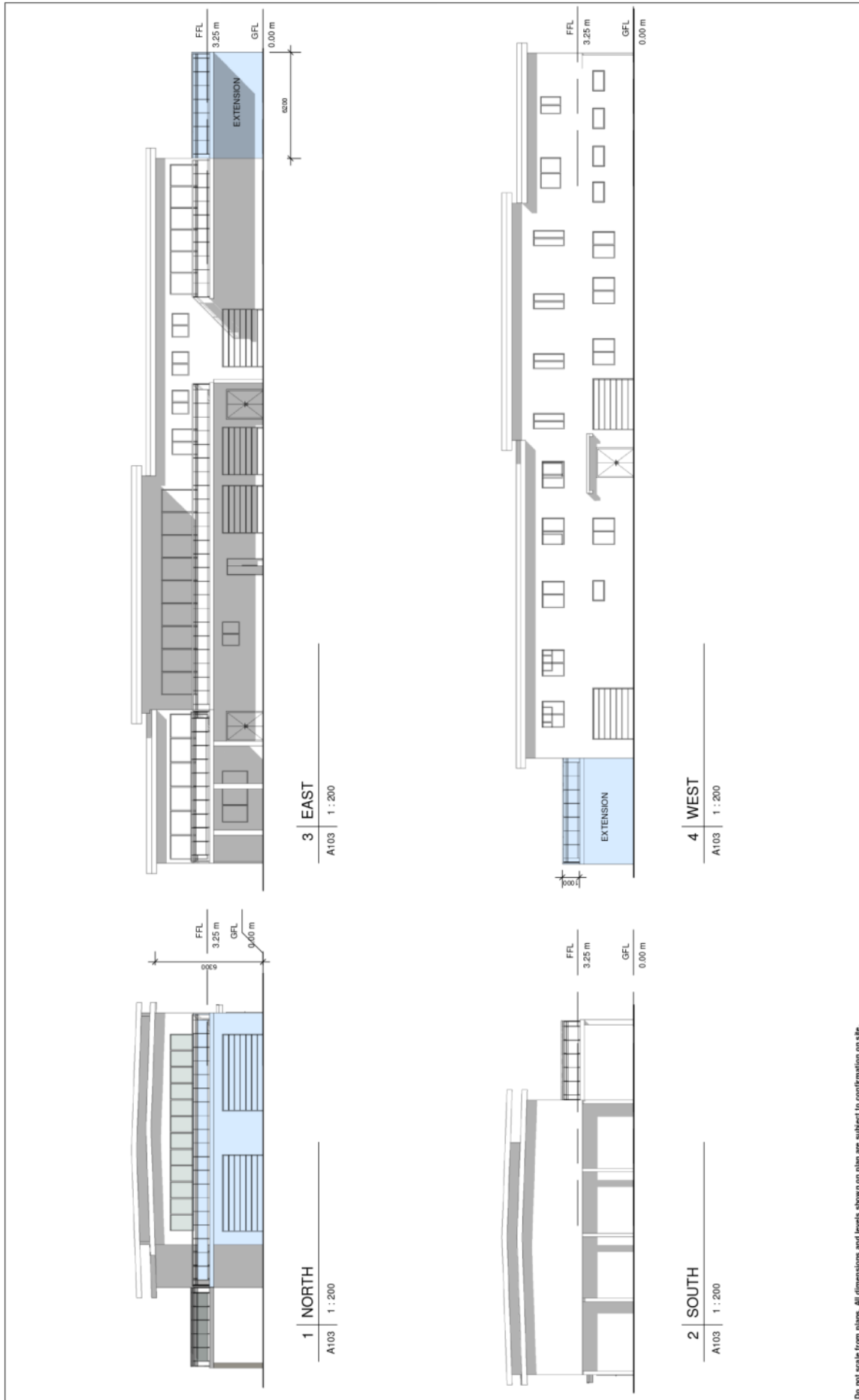
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ISSUE	DATE	DESCRIPTION	DRWN	CHKD
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SHEET TITLE:	ELEVATIONS
SHEET NO:	A103
SCALE A3:	1 : 200

PROJECT TITLE:	ALTERNATION & ADDITION
PROJECT NO.:	2018025
AT:	LOT12 DP233606
FOR:	Dee Why Surf Life Saving Club

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ISSUE	DATE	DESCRIPTION	DRWN	CHKD
	30.05.2018	PRELIMINARY	KM	

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Attachment 3: Excerpt from Dee Why Lagoon Wildlife Refuge Plan of Management (2002) - Action Table 3 – Management Action 63

Action Table 3. Category – General Community Use			
Value	Relevant Management Issues	Performance Target (strategies)	Means of Achievement (Management Actions)
Natural Environment, Recreation, Aesthetic, Social, Access	Development.	30. Ensure all development complies with the Local Government Act 1993 and is for use by the community.	63. This Plan of Management expressly authorises the development of the Dee Why Surf Life Saving Club of up to an additional 30% of floor space. The Surf Life Saving Club is to remain a 2 storey building. Development is for the purposes of surf life saving activities, storage and a kiosk. The development may also incorporate an area for a commercial activity such as a food & beverage outlet or a gym. The 30% increase in floor space is to include the conversion of the existing amenities to an alternative use and development over the first floor of the existing amenities, including a balcony extending eastwards from the first floor. The amenities however are to be replaced on the northern side of the Club building, across the beach access road.
			64. In approving any modifications to the Surf Life Saving Club Building consideration must be given to: <ul style="list-style-type: none"> • Minimising the further loss of open space; • Principles of shared use (including the appropriate placement of lifeguard facilities for Council's operations, eg areas for storage and first aid); • Maintenance burden to Council & the community; • Impact on neighbouring properties; and • Council's Interim Policy on the Management of the Commercial Use of Beaches, Reserves & Buildings/Facilities in Warringah.
			Means of Assessment (of the actions)
			Assess development and it's purpose against policies.
			High
			Assess development and it's purpose against policies.
			High



ITEM 13.3	PUBLIC EXHIBITION OF THE PROPOSED NAMING OF THE RESERVES AT FERN CREEK TO LYNNE CZINNER PARK
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2020/726626
ATTACHMENTS	1 ↓ Proposed area for Lynne Czinner Park

SUMMARY

PURPOSE

To place the proposal to name the reserves at Fern Creek, Warriewood 'Lynne Czinner Park' on public exhibition.

EXECUTIVE SUMMARY

Proposed naming of the reserves recognises the late Lynne Czinner, former Mayor of Pittwater for her service and commitment to the community, in particular her dedication to the environment and the people of Pittwater.

Council has liaised with Ms Czinner's family in determining an appropriate memorial. Naming the reserve at Fern Creek to 'Lynne Czinner Park' is considered fitting to recognise her significant contribution to our community.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council place the proposal to name the reserves at Fern Creek, Warriewood, 'Lynne Czinner Park' on public exhibition for a minimum of 28 days.
 2. The outcomes of the public exhibition of the proposal to name the reserves at Fern Creek, Warriewood be reported to Council.
-

REPORT

BACKGROUND

Council acknowledged the sad passing of former Mayor of Pittwater Lynne Czinner in the September 2020 meeting. From Mayoral Minute No 07/2020 it was resolved that *“Council liaise with the family to determine an appropriate location for a memorial in her honour”*. In consultation Ms Czinner’s family it was considered that naming the reserves at Fern Creek, Warriewood would be honorable recognition of Lynne’s contributions.

Lynne Czinner distinguished herself in the community in 1992 when she was elected onto the first Pittwater Council representing the South Ward, serving consecutive terms until 2008. Within that period, Lynne spent four consecutive terms as Deputy Mayor from 1998 to 2002, and in 2004 Lynne was elected as Mayor.

She consistently advocated for the protection of the natural environment and healthy lifestyles, by promoting ecologically sustainable development in Pittwater, providing walking and bike paths as well as recreational facilities for all ages. Ms Czinner campaigned tirelessly to protect the Warriewood wetlands and escarpment.

The suggested reserves at Fern Creek, Warriewood are a fitting location for this memorial. Lynne was instrumental in the development of the Warriewood Valley land release, in particular making sure there was an interconnected network of open spaces. Additionally, the family have requested their preference for the title ‘park’ over ‘reserve’.

Lynne Czinner Park will be inclusive of the reserves surrounding either side of Fern Creek. 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 (Lot 1 DP 1251955) Dove Lane, and 13 Fern Creek Road (Lot 13 DP 1092788) (Attachment 1).

The Geographical Names Board (GNB) policy for place naming outlines when applying a commemorative name, that the person must be deceased for at least one year. Assuming Council supports this proposal, by the time the submission is made to the GNB all the criteria for place naming will be fulfilled.

CONSULTATION

The proposal will be placed on public exhibition for 28 days. Public exhibition will commence late January, as Council has a block out period for public exhibitions during holiday periods. Council proposes to collect feedback through the Your Say Northern Beaches webpage.

A sign will be placed on-site regarding the naming proposal.

TIMING

It is planned that the results of the Your Say will be presented to Council following the review of the community feedback.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and Belonging - Goal 12: Our community is friendly and supportive.

FINANCIAL CONSIDERATIONS

Signage will cost approximately \$3,000, this includes Park identification and interpretive signage. Interpretive signage will act as an alternative to a plaque, providing a learning opportunity to read about the enormous contributions Lynne Czinner provided to the community. This can 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.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts.

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. The Geographical Names Board (GNB) policy for place naming outlines when applying a commemorative name, the person must be deceased at least one year. Assuming Council support this proposal, by the time the submission is made to the GNB all the criteria for place naming will be fulfilled.

The naming of parks and reserves requires formal approval of the Geographical Names Board (GNB). Once approved by Council, the proposal will be forwarded to the proposal to the GNB for consideration and formalisation.

The implementation of the new name will involve updates to Council's webpage and spatial information systems



ITEM 13.4	PUBLIC EXHIBITION OF THE PROPOSED AMENDMENT TO THE GENERIC PARKS PLAN OF MANAGEMENT (FORMER WARRINGAH) TO INCLUDE 4-6 WYATT AVENUE, BELROSE
REPORTING MANAGER	ACTING EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2020/737521
ATTACHMENTS	1 Draft changes to Generic Parks Plan of Management (Warringah) (PoM) 2 Lots to be included in general Parks Plan of Management

SUMMARY

PURPOSE

To seek approval:

1. to publicly exhibit for a period of 56 days a proposed amendment to the Generic Parks Plan of Management – former Warringah to include a property owned by Council at Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038, known as 4 – 6 Wyatt Avenue, Belrose, and to categorise the property as a park;
2. to hold a public hearing in respect of the proposed amendment to the Generic Parks Plan of Management – former Warringah.

EXECUTIVE SUMMARY

The NSW Government sold 4 - 6 Wyatt Avenue, Belrose (previously owned by NSW TAFE) (the **Site**) to Council in March 2019 on the conditions that the Site is classified as community land under the *Local Government Act 1993 (NSW)* (**LG Act**) and Council develops an open space, public recreation facility on the Site.

The Site was classified community land upon the transfer of the Site to Council.

It is now proposed to categorise the Site as a park under section 36G of the LG Act in order to facilitate the use of the Site as a park for public recreation.

The Site may be categorised as a park by including it in the Generic Parks Plan of Management – former Warringah, which applies to neighbourhood and local parks.

This report seeks approval to:

- publicly exhibit (for a period of 56 days) a proposed amendment to the Parks Plan of Management to add the Site to the table in Appendix A of the Parks Plan of Management.
- hold a public hearing in respect of the proposed amendment in accordance with section 40A of the LG Act.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council place on public exhibition for a period of 56 days a proposed amendment to the Generic Parks Plan of Management – former Warringah to incorporate Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038, known as 4 – 6 Wyatt Avenue, Belrose.
 2. Council hold a public hearing in respect of the proposed amendment to the Generic Parks Plan of Management – former Warringah.
 3. The outcomes of the public exhibition of the proposed amendments to the Generic Parks Plan of Management to incorporate Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038, known as 4 – 6 Wyatt Avenue, Belrose, be reported to Council.
-

REPORT

BACKGROUND

The NSW Government sold 4 - 6 Wyatt Avenue, Belrose (the **Site**) to Council in March 2019 on the conditions that Council classifies the land as community land and develops an open space, public recreation facility.

At the time the Site was purchased, Council intended to construct synthetic grass futsal courts with amenities on the Site. However, after reviewing the environmental studies of the Site conducted by Property NSW and carrying out an arboriculture assessment of the trees on site, Council no longer considers futsal courts to be appropriate. In addition, this area of Belrose is already well catered for with sports fields and tennis courts across the road from the Site.

Council is considering a number of alternative uses of the Site for public recreation purposes, including the construction of a junior bike skills park. A concept plan for a junior bike skills park was developed and publicly exhibited on 9 October 2020 for 28 days. Submissions on the concept plan have been received and Council is currently considering those submissions and undertaking a number of assessments examining the environmental impacts of a proposed junior bike skills park.

In the meantime, Council wishes to categorise the Site as a park under the LG Act for the purposes of enabling Council to give further consideration to public recreation uses of the Site.

In accordance with section 36G of Act, the core objectives for the management of community land as a park are:

- (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and
- (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

The Generic Parks Plan of Management – former Warringah (**Parks Plan of Management**) applies to and provides guidance on the management of small parks and reserves in the former Warringah area, known as neighbourhood and local parks. The plan focuses on protecting parks for recreation, social interaction and preservation of open space in an urban setting.

The parks covered by the Parks Plan of Management are listed in the table in Appendix A of the Parks Plan of Management.

The Site may be categorised as a park by including it in the table in Appendix A of the Parks Plan of Management.

It is proposed to seek Council's approval to:

- amend the Parks Plan of Management to include the Site in the table at Appendix A of the Parks Plan of Management.
- publicly exhibit the proposed amendment in accordance with section 38 of the LG Act, extending the mandated public exhibition period of 28 days to 56 days to allow extra time for submissions given the Christmas holiday period.
- hold a public hearing in respect of the proposed amendment to the Parks Plan of Management as the proposal has the effect of categorising the Site and a public hearing is a mandatory requirement under section 40A of the LG Act.

The outcomes of the public exhibition of the proposed amendment to the Parks Plan of Management will be reported to Council.

TIMING

Should Council approve the public exhibition of the proposed amendments to the Parks Plan of Management and the public hearing in relation to the proposed amendments, the exhibition period will commence on 22 January 2021 until 21 March 2021.

The public hearing on the proposed categorisation of the Site as a park will be held on the week commencing 22 February 2021.

It is anticipated that the outcomes of the public exhibition and public hearing will be reported to Council in May 2021.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Protection of the Environment - Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.

FINANCIAL CONSIDERATIONS

\$163,000 has been provided in the 2020-21 approved budget under the Wyatt Avenue Sports Facility budget. This will be reforecast into the 2021-2022 capital works budget to match the proposed project timeline.

SOCIAL CONSIDERATIONS

The categorisation of the Site as a park will allow for the Site to be used for the purpose of public recreation, which will have a positive impact on the community.

It is planned that any development of the Site will have a natural feel and will complement the character of the local area.

ENVIRONMENTAL CONSIDERATIONS

The Site is currently highly degraded and substantially modified, but does have some significant trees. The proposal to categorise the Site as a park will have a positive impact on the environment, as it is expected to preserve and enhance the environmental values of the Site.

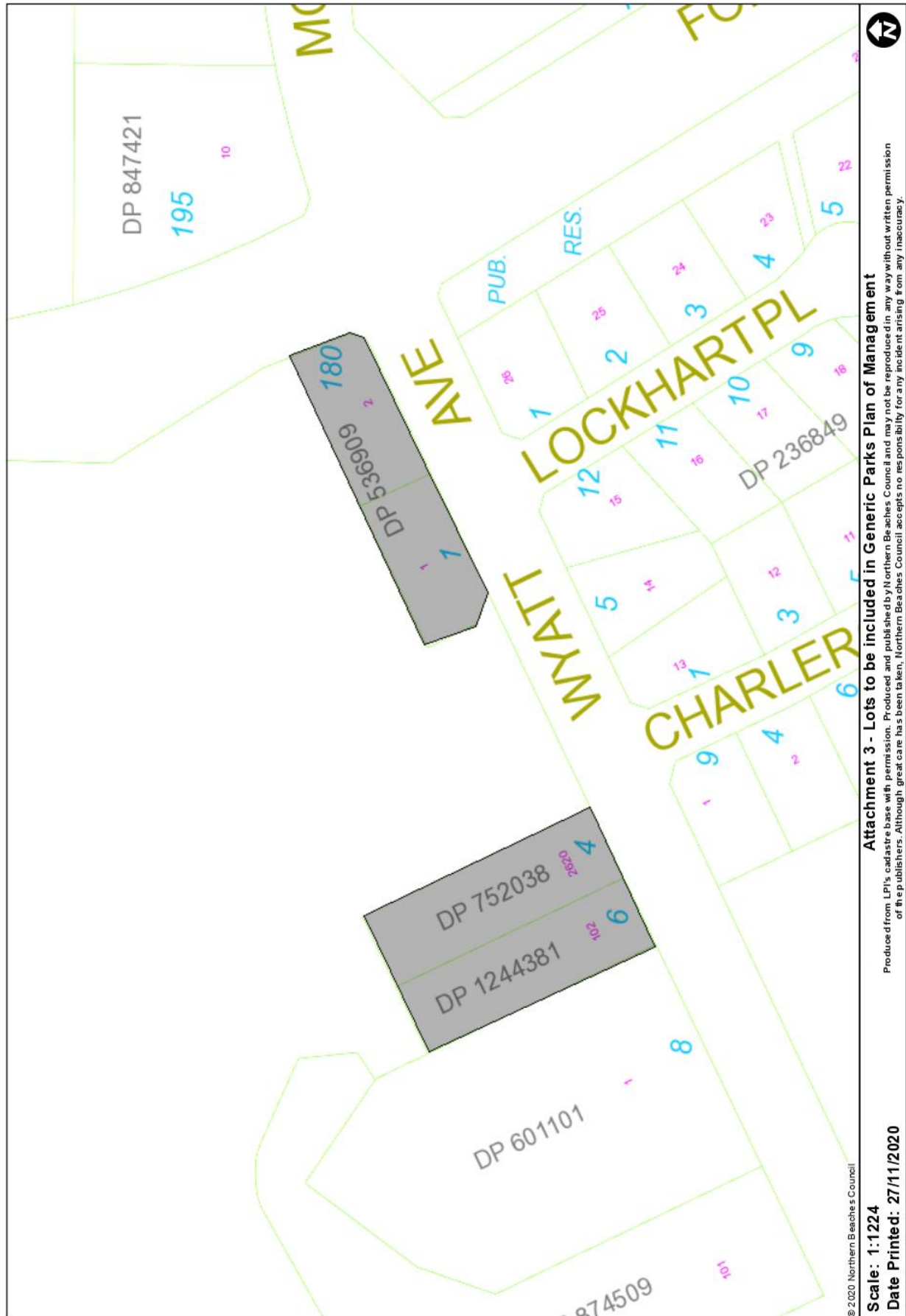
Before undertaking any development or activities on the Site, Council will fully assess the environmental impacts of any proposal, including the possible junior bike skills park, and will take these impacts into consideration before approving any activity or development at a later stage.

GOVERNANCE AND RISK CONSIDERATIONS

Council must exhibit the proposed amendment to the Parks Plan of Management and hold a public hearing in relation to the proposed amendment in order to comply with its obligations under the LG Act.

ATTACHMENT 2: Draft changes to Generic Parks Plan of Management (Warringah) (PoM)

Draft Amendment	Reason	Page Number
Draft Amendment November 2020	To accurately describe the document	Cover page and where appropriate in headers etc
Table 1 amended to have 69 local parks and 133 neighbourhood parks and 205 parks in total	To accurately provide the number of parks covered by the amended PoM	7
Amendment to text "the vast majority of parks (202 out of 205)	To accurately provide the number of parks covered by the amended PoM	7
Table 2 amended to reflect 32 total parks, 13 local and 19 neighbourhood in the Belrose/Oxford Falls catchment. Total for area covered by PoM amended to 205, Local parks to 69 and neighbourhood parks to 133.	To accurately provide the number of parks covered by the amended PoM	8
Amendment to Table 7 to replace 203 Parks with 205 parks	To accurately provide the number of parks covered by the amended PoM	45
Amendment to Appendix A to include the relevant land at Lot 2 DP 536909 and Lot 102 DP 1244381, Lot 2620 DP 752038 (Wyatt Avenue Bike Park)	To include the newly acquired Lots in the amended PoM	76 and 81 respectively.



15.0 NOTICES OF MOTION

ITEM 15.1	NOTICE OF MOTION NO 56/2020 - CABBAGE TREE BAY AQUATIC RESERVE
TRIM FILE REF	2020/746738
ATTACHMENTS	NIL

Submitted by: Councillor Pat Daley OAM

MOTION

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. See illustration of Flite Board below.
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.

BACKGROUND FROM COUNCILLOR PAT DALEY OAM

Nearly twenty years ago Manly Council in conjunction with the various authorities established Cabbage Tree Bay Aquatic Reserve to protect marine life and provide a safe, pristine area for snorkeling and swimming. However, in recent years the reserve has come under increasing pressure. This motion seeks information regarding the impact the various activities mentioned are having on the reserve.



ITEM 15.2	NOTICE OF MOTION NO 57/2020 - BUSKING PERMIT FEES
TRIM FILE REF	2020/765653
ATTACHMENTS	NIL

Submitted by: Councillors Rory Amon and Kylie Ferguson

MOTION

That Council reduce the below mentioned busking fees to nil for the remainder of the financial year ending 30 June 2021, with the fees to be reviewed in the lead up to the endorsement of the 2021/22 delivery plan:

1. Annual permit – over 16 years (other than Manly CBD)
2. Daily permit Manly CBD (Adult)
3. Daily permit Manly CBD (Junior – 18 years and under)
4. Monthly permit Manly CBD (7 days per week for 1 month)
5. Quarterly Permit Manly CBD (7 days per week for 3 months).

BACKGROUND FROM COUNCILLORS RORY AMON AND KYLIE FERGUSON

In an effort to rejuvenate our local spaces, which were severely impacts due to the Covid-19 pandemic, Council should consider reducing all busking permit fees to nil for the rest of this year.

Such a move will also assist our creative arts community who have been significantly impact by the Covid-19 pandemic.

ITEM 15.3	NOTICE OF MOTION NO 58/2020 - THE SUMMER FUND GRANTS PROGRAM
TRIM FILE REF	2020/766872
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

MOTION

That Council:

1. Identify free activations and events that enliven local public spaces from now until 18 April 2021 which might be eligible for a grant from the NSW Government's The Summer Fund grants program.
2. Make an application to The Summer Fund as soon as possible thereafter.

BACKGROUND FROM COUNCILLOR RORY AMON

The NSW Government, through The Summer Fund grants program, is supporting councils to activate local public spaces by running free, safe activations and events, creating more opportunities for people to connect.

Northern Beaches Council in NSW can sign up for up to \$10,000. This funding needs to contribute to free activations or events that enliven local public spaces from summer until the end of the Easter holidays on 18 April 2021.

More information about the fun can be accessed here - <https://www.dpie.nsw.gov.au/premiers-priorities/great-public-spaces/festival-of-place/summer-fund>

CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 4.15(a) I offer the following report on this matter to assist Council in the deliberation of this motion:

The Events team have already been working on this Grant application since the Summer Fund was announced last week. The Grant can only be applied for once and is to the value of \$10,000. The team are taking into consideration the current Health Orders, operational requirements and the period of time for which the funding must be spent to ensure the option can be delivered with best return.

The Grant application was submitted on Monday, 7 December. The first round of applications close on Monday, 14 December with an additional round running December 15 through January 22. The proposal is to deliver an additional World Food Markets in March. This would run over three Friday nights and be in a suitable location across the LGA that does not have an event planned in this financial year. The combined three nights would engage 6,000+ from our community plus local business involved with operational delivery and the food offering.

ITEM 15.4	NOTICE OF MOTION NO 59/2020 - OUTDOOR DINING
TRIM FILE REF	2020/769283
ATTACHMENTS	NIL

Submitted by: Councillors David Walton and Rory Amon

MOTION

That:

1. Council note:
 - A. the NSW Government's 'statewide NSW outdoor dining trial'
 - B. the relevant amendment to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 that facilitates streamlined approvals for outdoor dining in appropriate locations.
 - C. the City of Sydney Council and Randwick Council's responses to this amendment to allow pubs and small bars across the state to use footpaths and public spaces to ensure customers can enjoy a day or night out in a COVID-safe way this summer from 1 December 2020.
2. Staff provide a councillor briefing on:
 - A. Research and gap analysis on Council's current outdoor dining policies.
 - B. Opportunities and risks in adopting appropriate aspects of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to extending the existing exempt development pathway for outdoor dining, currently already available to restaurants and cafes, to small bars and pubs.

BACKGROUND FROM COUNCILLORS DAVID WALTON AND RORY AMON

Streamlined alfresco dining approvals will be available from 1 December in NSW, giving businesses time to open up their doors well ahead of the NSW Government's \$500 million Dine & Discover NSW program being rolled out across NSW in the new year.

This strategy could allow Northern Beaches food and drink businesses to better use the public space around them will keep communities safer, support the hospitality industry, and boost the economy.

CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 4.15(a) I offer the following report on this matter to assist Council in the deliberation of this motion:

Council officers have been monitoring this new State Environmental Planning Policy (SEPP) and working with representatives from the Office of Local Government and the Office of Liquor and Gaming with regards to aligning to the City of Sydney's outdoor dining trial. The streamlined processes that have been put in place by Council during the COVID period match with the intent of this SEPP, delivering a very similar outcome, and Council officers have also been discussing with local Chambers of Commerce as to how to further implement the intent to its fullest capability.

ITEM 15.5	NOTICE OF MOTION NO 60/2020 - BIODIVERSITY OFFSETS
TRIM FILE REF	2020/769884
ATTACHMENTS	NIL

Submitted by: Councillors Natalie Warren and Sue Heins

MOTION

That Council write to the NSW State Government and Transport for NSW to request that:

1. Native vegetation bushland cleared in the Northern Beaches Local Government Area for construction of the Beaches Tunnel and subsequent widening of arterial roads be offset by biobanked land within the Northern Beaches Local Government Area.
2. This process be commenced immediately not at the end of the construction term.
3. The policy of offsetting bushland clearance with biobanking for infrastructure projects is to first prioritise locating offset land within the Local Government Area that the project is located in.

BACKGROUND FROM COUNCILLORS NATALIE WARREN AND SUE HEINS

Biobanking, also known as Biodiversity Offset is actions designed to compensate for impacts arising from developments and activities. Biodiversity offsets usually involved the protection and management of natural areas.

A Biobank site (now known as a Biodiversity Stewardship Site) is a system that enables biodiversity credits to be traded and used as an offset against the impact of a proposed development.

Historically, when previous Councils have tried to Biobank they have found their offsets have gone to other Local Government Area's in Sydney which was never the expected outcome.

The intent of this Notice of Motion is to embed that every future major infrastructure program must consider all areas of the Northern Beaches Local Government Area first and foremost for Biodiversity Offsets in conjunction with the Northern Beaches Bushland and Biodiversity Policy.

16.0 QUESTIONS WITH NOTICE

ITEM 16.1	QUESTION WITH NOTICE NO 16/2020 - PROCESS BEHIND STATION BEACH DOG TRIAL
TRIM FILE REF	2020/766210
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

QUESTION

1. Could the CEO please produce copy of the brief that was issued to Karen Astles, instructing the limits and scope of her work on behalf of Council in relation to Station Beach.
2. Could the CEO please produce evidence of there having been a process followed by staff, to critically appraise the work done by Karen Astles on behalf of Council in relation to Station Beach.
3. Could the CEO please produce the results of that critical appraisal (if any), particularly with respect to the element of the Astles work that sought to overturn the settled August 2018 position of DPI- Fisheries confirming no agency need for the marker buoys.
4. Could the CEO please provide a full and detailed account of the internal staff processes that caused Council's retention of Karen Astles in relation to Station Beach.

ITEM 16.2	QUESTION WITH NOTICE NO 17/2020 - 40 STUART STREET, MANLY
TRIM FILE REF	2020/769463
ATTACHMENTS	NIL

Submitted by: Councillor Sarah Grattan

QUESTION

Regarding 40 Stuart St, Manly:

1. What is the process to reclassify land from operational to community?
2. What is the expected timing of the change of this land classification to “community” from “operational”?
3. In part 3 of the Council resolution of 26 November 2019, why was the wording “no adverse submission” included in the motion? What is the definition of “no adverse submission”?
4. Could one non-supportive submission from the community prevent the re-categorisation to community land?
5. What is the process to reclassify land if an “adverse submission” is received?
6. What procedures/ safeguards are in place or could apply that would prevent any sale of the property prior to reclassification?

Regarding part 4 of the Council resolution of 26 November 2019:

1. Why will classification to community land be delayed until after a Coastline plan of management is completed?
2. Does a Little Manly Coastline Management Plan already exist? If not, why not
3. What plan of management currently applies to 40 Stuart St, Manly?

Question over leasing & loan arrangements of 40 Stuart St, Manly

1. What would prevent Council from continuing to lease out the property at 40 Stuart St if the land is recategorised to Community Land?
2. Does Northern Beaches Council have other properties on community land that are leased?
3. Why was the lease recently reviewed until September 2021?
4. What other loans are on foot across the Northern Beaches Council that have been taken out for a specific purpose or property? Are those loans also expected to be self-funding and why?
5. Regarding the 2022/23 demolition date as per the resolution. Will the timing of this project be delayed given the push-out of timing on capital projects due to COVID?

17.0 RESPONSES TO QUESTIONS WITH NOTICE

ITEM 17.1	RESPONSE TO QUESTION TAKEN ON NOTICE NO 20/2020 - CALL FOR VOLUNTEERS - COVID SAFETY AMBASSADORS
TRIM FILE REF	2020/746510
ATTACHMENTS	NIL

Taken on notice at the Council meeting on 24 November 2020 from: Councillor Rory Amon

QUESTIONS

1. In relation to volunteers, assuming a peak summer weekend day, how many volunteers would Council roster from 12:00pm to 3:30pm in Manly and in Queenscliff?
2. Have staff calculated how many hours per week those volunteers who submitted their interest would be able to provide?

RESPONSE

1. Council would roster two volunteers at Manly, and zero volunteers at Queenscliff from 12:00pm to 3:30pm.
2. 3.5 hours

ITEM 17.2	RESPONSE TO QUESTION TAKEN ON NOTICE NO 21/2020 - ALTERNATIVE PROCUREMENT FOR LICENCE RENEWALS TO WOOLWORTHS FOR LOADING DOCK AND CAR PARK/TROLLEY BAYS, AT 76 OLD BARRENJOEY ROAD, AVALON
TRIM FILE REF	2020/746590
ATTACHMENTS	NIL

Taken on notice at the Council meeting on 24 November 2020 from: Councillor Vincent De Luca
OAM

QUESTION

As you would be aware, there have been numerous complaints, particularly from the former Pittwater Council end, Warriewood, Avalon, Narrabeen regarding the scourge of abandoned trolleys. Council's response to those complaints has been that it hasn't been part of a D/A consent or part of the licensing agreements and that unfortunately legislation dictates that penalties can only be imposed in certain situations. So therefore, is it possible to include in this licensing provision that abandoned trolleys have to be removed by the licensee within a particular period of time or can that be done via another document or what is the circumstance?

RESPONSE

It is possible to include in the Woolworths Avalon licence a provision that abandoned trolleys must be removed by the licensee within a particular period of time. Council officers will do so.

18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

1. In accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- A. Item 18.1 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*]; and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege [10A(2)(g) *Local Government Act 1993*].

This report discusses/provides advice concerning the financial circumstances of particular individuals. 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 may prejudice the personal position of a ratepayer and includes the discussion of advice that is subject to legal professional privilege.

- B. Item 18.2 RFT 2020/124 - Gross Pollutant Trap Installation North Steyne, Manly 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 pricing and company information from a tenderer. 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 disclose commercial in confidence information.

- C. Item 18.3 RFT 2020/174 - Construction Services for the Redevelopment of Long Reef Surf Life Saving Club and Associated Community Facilities. 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.

- D. Item 18.4 RFT 2020/159 - Clontarf Reserve Playground Upgrade 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 company information and pricing of a tenderer. 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 provide this information to competitors of the tenderer.

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- E. Item 18.5 RFT 2020/163 - Stage 1 Air Conditioning System Upgrade at Glen Street Theatre 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 results of a public tender. 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.

- F. Item 18.6 RFT 2020/134 - Lionel Watts Eastern Amenities and Clubhouse Upgrades 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 results of a public tender. 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.

- G. Item 18.7 Station Beach Off Leash Dog Trial on the basis that it involves the receipt and discussion of advice concerning litigation, and advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege [10A(2)(g) Local Government Act 1993].

This report provides advice concerning litigation, namely, Land and Environment Court Proceedings No 2019 / 313791, in which Council is a respondent, and which

would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. Further, the advice concerns legal matters that meet the requirements of Section 10B(2) of the Act. 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 Council's position and would prevent Council from achieving the best outcome for the community. Accordingly, the discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

2. The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.
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19.0 CONFIDENTIAL ITEMS RESOLVED BY EXCEPTION

20.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

In accordance with Part 15 of the Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson as soon as practicable. The resolution must be recorded in the publicly available minutes of the meeting.



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