

# AGENDA

Notice is hereby given that an Ordinary Meeting of Council will be held on

**Tuesday 26 May 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 26 May 2020  
Commencing at 6:00pm**

<b>1.0</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>2.0</b>	<b>APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE</b>	
<b>3.0</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b>	
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## **1.0 ACKNOWLEDGEMENT OF COUNTRY**

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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.

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## **2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

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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.

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## **3.0 CONFIRMATION OF MINUTES**

### **3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 28 APRIL 2020**

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#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held 28 April 2020, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

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### **3.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 5 MAY 2020**

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#### **RECOMMENDATION**

That the Minutes of the Extraordinary Council Meeting held 5 May 2020, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

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## **4.0 DISCLOSURES OF INTEREST**

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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.

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## **5.0 PUBLIC FORUM AND PUBLIC ADDRESS**

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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).

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## **6.0 ITEMS RESOLVED BY EXCEPTION**

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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.

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## 7.0 MAYORAL MINUTES

<b>ITEM 7.1</b>	<b>MAYORAL MINUTE NO 02/2020 - NORTH HEAD</b>
<b>TRIM FILE REF</b>	<b>2020/139298</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

### BACKGROUND

The Sydney Harbour Federation Trust (the Harbour Trust) is responsible for the rehabilitation of prominent former Defence sites on Sydney Harbour and opening them for public access as per the *Sydney Harbour Federation Trust Act 2001*. This includes the former Artillery site at North Head of which many of the current buildings are vacant, in poor condition and require significant capital investment to bring them up to minimum building requirements.

In early 2019 potential opportunities were identified for Council to work with the Trust in delivering some of the strategic goals and aims outlined in the North Head Management Plan for community use. Along with representatives from Northern Beaches Council and the Member for Manly, I attended a tour of the North Head site with key staff from the Sydney Harbour Federation Trust.

In August 2019, following a meeting to explore opportunities for Council and the Trust to work collaboratively on activating North Head Sanctuary, Council was encouraged to make a written approach outlining how some of the buildings could potentially be used. This was forwarded to the Trust along with letters of support of the local Members of Parliament, Mr James Griffin, MP for Manly and Ms Zali Steggall, MP for Warringah.

The approach to the Trust included, as an example, the potential refit and use of a vacant building as an Environmental Sustainability Education Centre. Such a Centre would provide an ideal synergy between the strategic objectives for the Trust, Council's newly adopted Environment & Climate Change Strategy and our Community Strategic Plan. The Trust in earlier discussions acknowledged this point. It would also meet the Trust's current objectives including improved access for community benefit, improved environmental education facilities, and preserve the cultural heritage of the area. North Head has a number of attributes that should make it easy to activate, including public amenities, café, visitor information centre, parking and public transport. While the Trust acknowledge an alignment of interests they have indicated they do not support this or any of the proposed options put to them at this stage.

While I strongly disagree with the current position of the Trust, I am reluctant to make further representations without the support of my fellow Councillors, and without an assessment of whether there is ratepayer value in pursuing this further with the Trust. The concept has the support of our local members and I believe it would be a project that could attract funding partnerships with both the State and Federal Governments. With that in mind, I am asking for your support in requesting that staff prepare a review of the potential benefits and costs of the concept and report this back to Council for our consideration.

The cost of the work to be undertaken in preparing the report would be met within existing operational budgets.

**MOTION**

That Council prepare a report to be brought back to Council within three months on the potential benefits and costs of Council involvement in driving activation of under-utilised sites at North Head

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**Michael Regan**  
**MAYOR**



## 9.0 CORPORATE AND LEGAL DIVISION REPORTS

<b>ITEM 9.1</b>	<b>MARCH 2020 QUARTER REVIEW</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGY AND PERFORMANCE EXECUTIVE MANAGER FINANCIAL PLANNING AND SYSTEMS</b>
<b>TRIM FILE REF</b>	<b>2020/239765</b>
<b>ATTACHMENTS</b>	<b>1 ⇒ Quarterly Budget Review Statement March 2020 (Included In Attachments Booklet) 2 ⇒ Quarterly Report on Service Performance - March 2020 (Included In Attachments Booklet)</b>

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### SUMMARY

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#### PURPOSE

To present the financial and management results for the period ended 31 March 2020.

#### EXECUTIVE SUMMARY

This report details Council's management results for the quarter and the consolidated financial position for the nine months ended 31 March 2020. The Quarterly Report on Service Performance is a progress report on the Operational Plan 2019/20.

Bushfire mitigation measures, significant summer storms and the emergence of the COVID-19 virus have placed considerable pressure on the Council's budget in recent months. The operating surplus (which includes capital grants and contributions) for the financial year is forecast to decrease by \$11.4m to a surplus \$15.1m. Excluding capital grants and contributions the result is forecast to decrease by \$10.1m from a surplus of \$3.5m to a deficit of \$6.6m. Capital Expenditure is forecast to decrease by \$10.6m to \$93.9m.

Material proposed changes to the budget include \$7.9m in anticipated net losses due to COVID-19 services impacts and \$2m in small business and community support, \$0.2m for bushfire mitigation works, \$3.3m to respond to the November 2019 and February 2020 storms less anticipated natural disaster funding claims of \$1.7m and \$1m in streetlighting savings following the accelerated replacement of streetlights with energy efficient light fittings.

We are proceeding, where possible, with the majority of our capital works program. While some projects have been deferred to ensure we can appropriately engage our community in the design process and others to provide capacity to prioritise our essential services and COVID-19 support packages, we have also brought forward projects on our closed facilities such as works at Forty Baskets Tidal Pool and Manly Library.

Of the 239 actions of the Operational Plan 2019/20, the majority are progressing on schedule, and 32 are complete. Most performance measures have met their targets.

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**RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL**

That Council:

1. Notes the Budget Review Statement for the nine months ended 31 March 2020.
  2. Approve the following changes to the Current Forecast in the March 2020 Budget Review Statement:
    - A. A decrease in the forecast surplus from Continuing Operations which includes Capital Grants and Contributions of \$11.370m to \$15.071m
    - B. A decrease in capital expenditure by \$10.605m to \$93.869m.
  3. Note the Quarterly Report on Service Performance for the period ending 31 March 2020.
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## REPORT

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### BACKGROUND

The Northern Beaches Council's Operational Plan 2019/20 was adopted on 25 June 2019. The Operational Plan is for the period 1 July 2019 to 30 June 2020.

The Quarterly Budget Review Statement is a regular progress report against the Operational Plan 2019/20. It has been prepared in accordance with the requirements of the Local Government Act 1993 (s404(5)) and Local Government (General) Regulation 2005 (Cl203), namely that the Responsible Accounting Officer report quarterly on a budget review statement and the Chief Executive Officer report at least every six months on the principal activities.

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

The report includes:

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

### Overview of Service Performance

The intense weather conditions and bushfires over summer, widespread damage and flooding caused by a large storm in February; and the COVID-19 crisis has had a significant impact on our community this quarter.

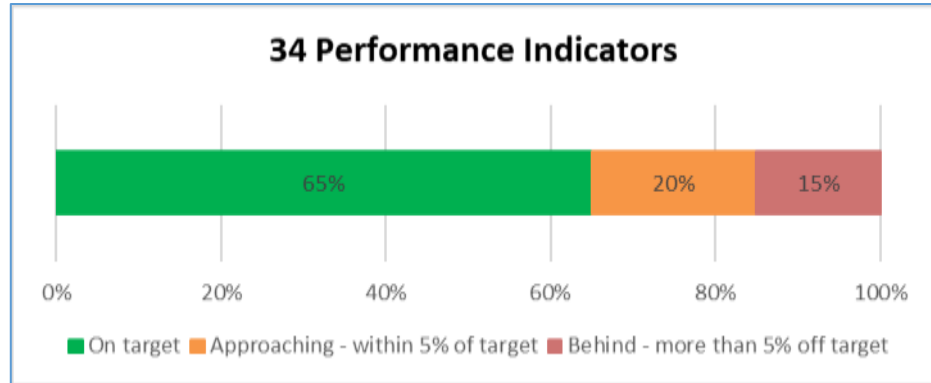
These events have also impacted services, and Council acting on the advice of lead NSW and Federal health authorities, has responded. Services have temporarily closed such as playgrounds, aquatic centres, community centres, art gallery and the theatre. Others have adapted, like the library service which is now contactless delivering books to people's homes. We have also increased services such as cleaning public places.

In March, Council also approved support packages for our community and local businesses to keep everyone going. These targeted programs were focused on keeping the community connected and supporting vulnerable residents of the Northern Beaches. It also provide fee waivers for local businesses and more flexible and pragmatic arrangements for supplier deliveries to supermarkets and parking for take-away pickups.

Council has continues to maintain high quality services to the community despite these challenges and a summary of our performance against indicators as well as progress of delivering operational and capital projects in the Operational Plan is below.

### Performance Indicators

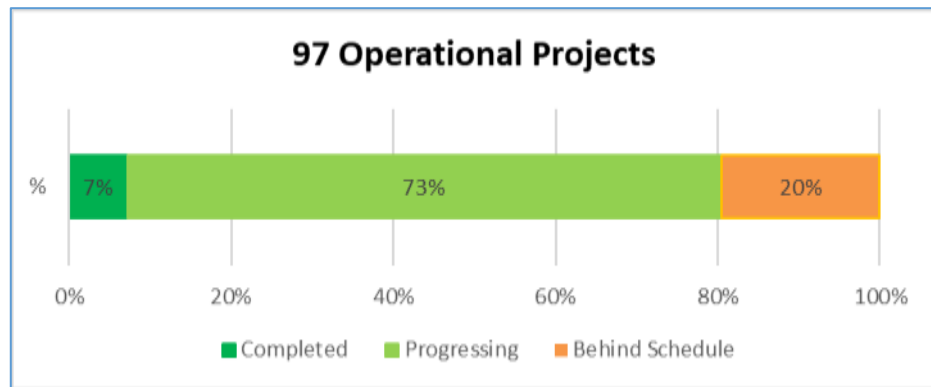
Of our 34 performance indicators 85% met or were within 5% of the target.



### Operational Project Progress

Of the 97 operational projects, overall 80% are complete or progressing on schedule.

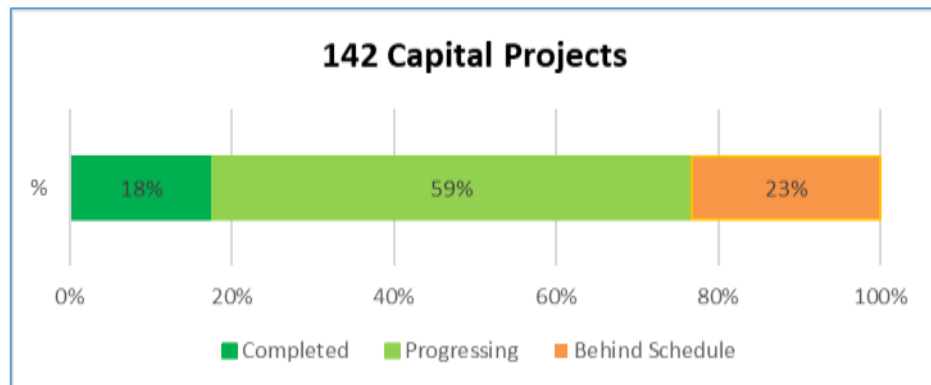
*Target: 80% complete/on schedule by June*



### Capital Project Progress

Of the 142 projects, overall 77% are complete or progressing on schedule.

*Target: 80% complete/on schedule by June*



A detailed report on service performance is at Attachment 2 – ‘Quarterly Report on Service Performance’.

## Overview of Financial Performance

### Responsible Accounting Officer Budget Review Statement

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

*“It is my opinion that the Budget Review Statement for Northern Beaches Council for the period ending 31 March 2020 indicates that Council’s projected financial position at 30 June 2020 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.”*

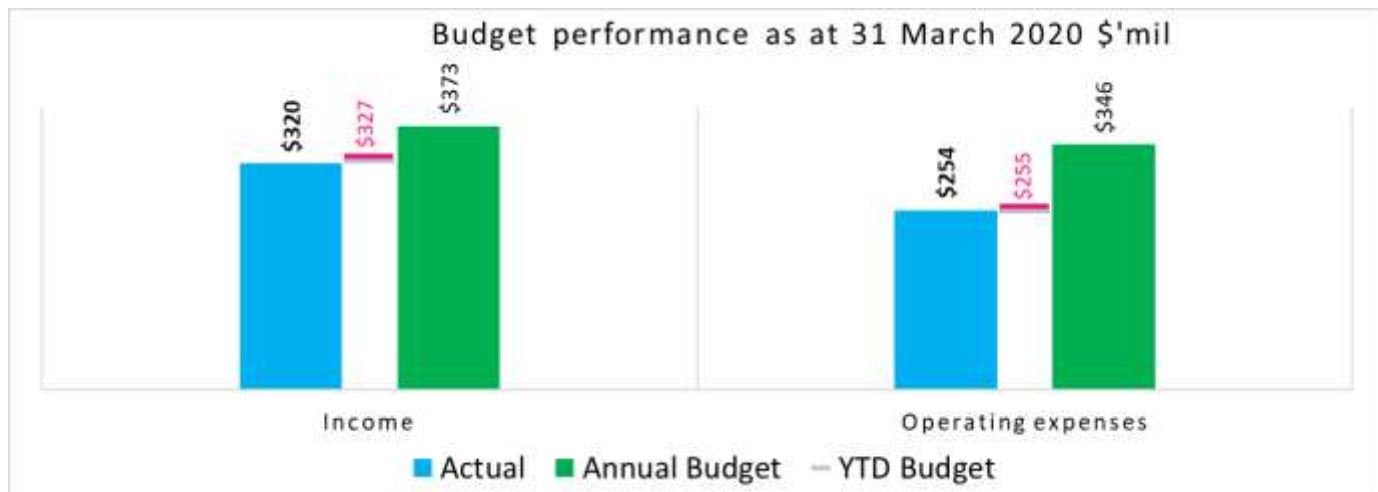
David Walsh Chief Financial Officer, Northern Beaches Council.

### Income Statement – progress and forecast changes

The attached Quarterly Budget Review Statement (QBRS) provides an overview of the Council’s progress against the annual budget at the end of the March 2020 quarter and provides explanations for major variations that result in recommendations for budget changes.

Further information on the financial performance for each of the 16 services of the Delivery Program is available within Attachment 2 - ‘Quarterly Report on Service Performance’.

#### Operating budget summary – as at 31 March 2020



The operating surplus which includes capital grants and contributions for the financial year is forecast to decrease by \$11.4m to \$15.1m. This decrease is due to lower than anticipated income of \$16.7m and lower than anticipated operating expenses of \$5.3m.

The operating result excluding capital grants and contributions is forecast to decrease by \$10.1m to a \$6.6m deficit.

These overall movements are detailed in the table below, under the ‘Recommended Changes’ column.

#### Operating budget as at 31 March 2020 – summary of recommended changes

Annual				Year to date			
ORIGINAL	REVISED	Recommended	CURRENT	YTD	YTD	YTD	%
Budget	Budget	changes for Council resolution	Forecast	Actual	Approved Budget	Variance	Variance
\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	

Income	377,089	372,877	(16,705)	356,173	320,118	326,564	(6,446)	(2%)
Operating expenses	(343,183)	(346,437)	5,335	(341,102)	(253,847)	(255,068)	1,221	(0%)
<b>Surplus / (deficit)</b>	<b>33,906</b>	<b>26,441</b>	<b>(11,370)</b>	<b>15,071</b>	<b>66,271</b>	<b>71,496</b>	<b>(5,225)</b>	<b>(7%)</b>
<b>Surplus / (Deficit) before Capital Grants and Contributions</b>	<b>4,660</b>	<b>3,483</b>	<b>(10,103)</b>	<b>(6,620)</b>	<b>50,710</b>	<b>54,724</b>	<b>(4,013)</b>	<b>(7%)</b>

### Income Year to Date (YTD) Analysis

Total income at the end of March 2020 is \$320.1m which is \$6.4m under the forecast. The principal reasons for this variance are as follows:

Income as at 31 March 2020 – Variance to Approved YTD Budget

YTD Variance \$'000	Details – Favourable / (Unfavourable)
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**2 Rates and Annual Charges**

- On track to meet budget

- (382) User Charges & Fees**
- Glen St Theatre \$0.257m
  - Kimbriki recycling fees (*reclassify from other revenue*) \$1.808m
  - Aquatic centres \$0.455m
  - Development assessment income (\$0.731m)
  - Carparks and pay and display parking (\$0.628m)
  - Childcare fees (\$0.421m)
  - Lakeside Holiday Park (\$0.305m)
  - Timing of road restorations (\$0.239m)
  - Community Centres (\$0.206m)
  - Environmental health fees (\$0.180m)
  - Engineering income (\$0.106m)
  - Hoarding Permits (\$0.144m)

- (296) Investment Fees and Revenues**
- Interest revenues are lower than forecast as a result of the impact of the decision of the Reserve Bank Board to lower the cash rate by 25 basis points on four occasions since June 2019 coupled with a decline in margins reflecting a lower demand for funds from the banks and the impact of the COVID-19 pandemic on Council's cashflow

- (1,870) Other Revenues**
- Timing of lease income \$0.644m
  - Advertising on Council structures \$0.111m

- Legal fees recovered \$0.125m
- Kimbriki recycling income (reclassify as fees – see above) (\$1.808m)
- Fines income (\$0.782m)

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**(2,458) Grants and Contributions - Operating Purposes**

- Timing of contribution for the Emergency Services Levy \$0.487m
- Timing of the Stronger Communities Fund projects for Wakehurst Parkway Flood Investigations (\$1.634m) and Mona Vale Public School Performance Space (\$1.426m)

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**(1,211) Grants and Contributions - Capital Purposes**

- Non-cash contribution through a VPA land swap in Warriewood Valley \$0.595m
- Decline in development contributions (\$0.265m)
- Timing of unexpended received grants including Stronger Communities Fund projects including Currawong Cottages, Connecting Communities Footpaths and Cycleways programs (\$1.221m)

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**(230) Gains on disposal of Assets**

- Net loss on the disposal of land tied to a VPA land swap in Warriewood Valley (\$0.231m)

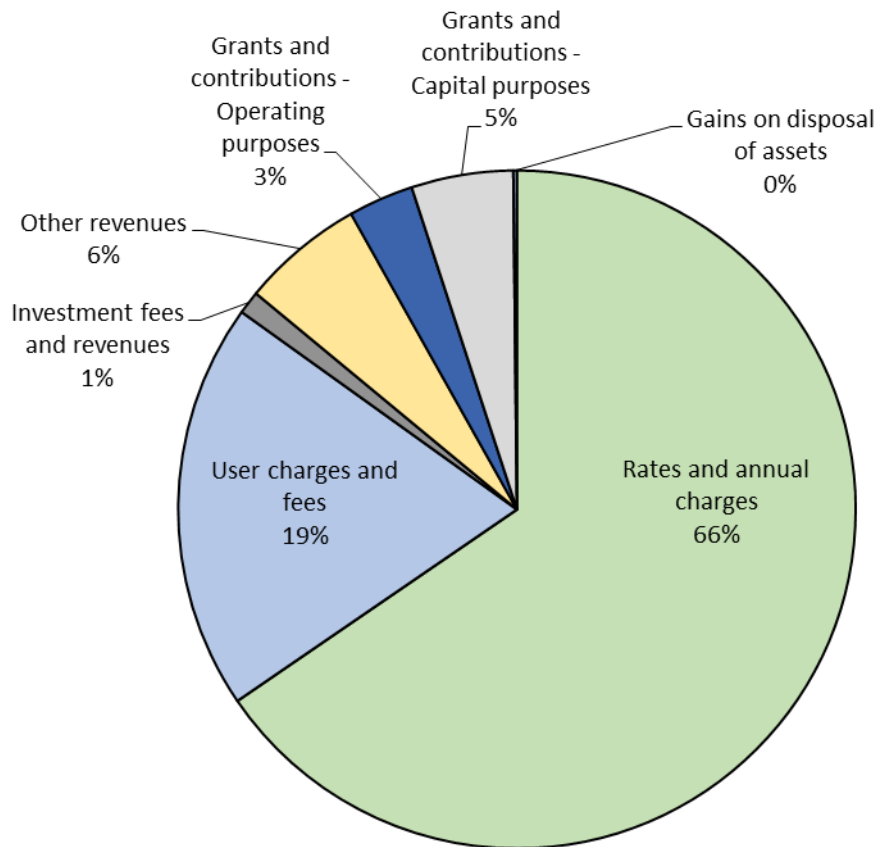
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**(6,446) TOTAL INCOME VARIANCE - YTD ACTUALS WITH YTD BUDGET**

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**Actual Results - Consolidated**

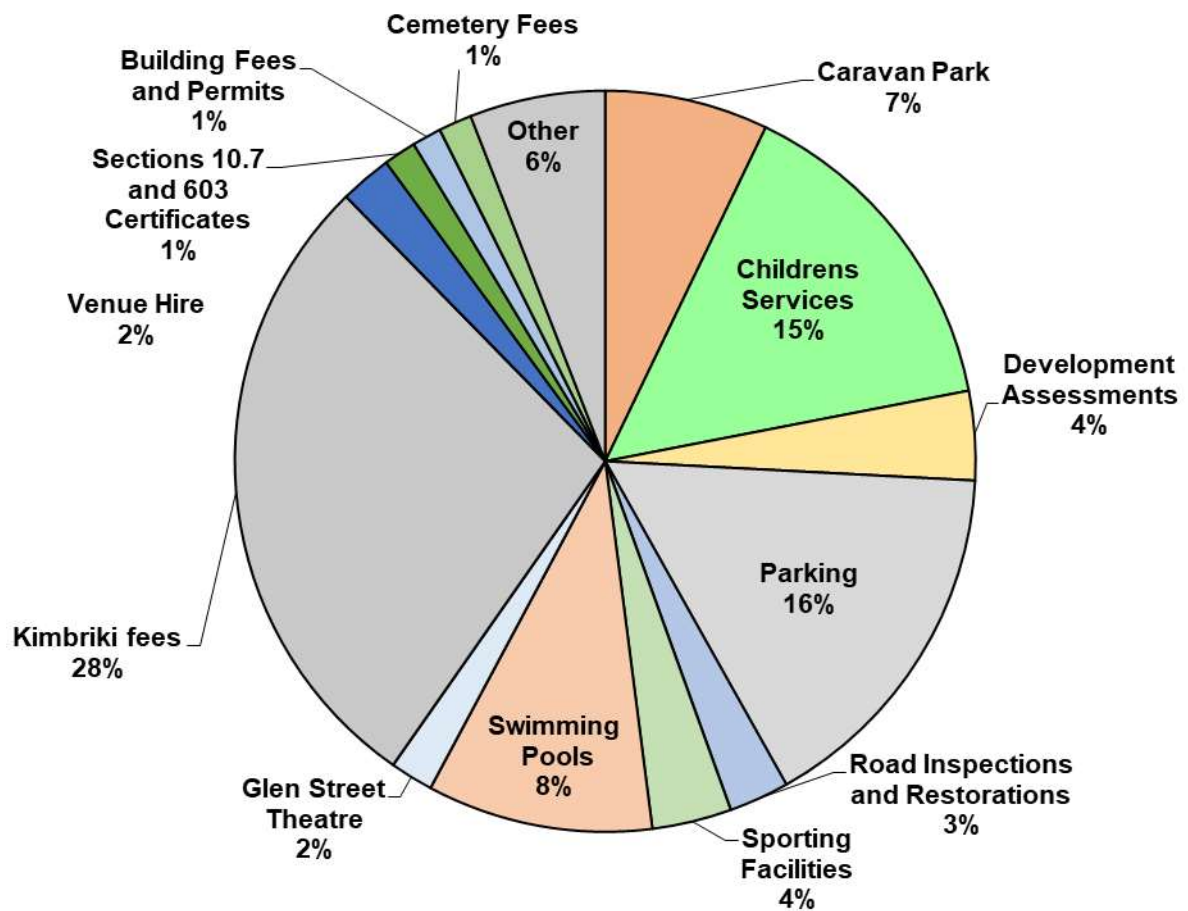
## Income from continuing operations



Income Item	1 July 2019 - 31 March 2020			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Rates and annual charges	209,517	209,514	2	0.0%
User charges and fees	62,256	62,638	(382)	(0.6)%
Investment fees and revenues	3,521	3,818	(296)	(7.8)%
Other revenues	18,755	20,626	(1,870)	(9.1)%
Grants and contributions - Operating	9,957	12,415	(2,458)	(19.8)%
Grants and contributions - Capital	15,561	16,772	(1,211)	(7.2)%
Gains on disposal of assets	550	780	(230)	(29.5)%
<b>Total Income</b>	<b>320,118</b>	<b>326,564</b>	<b>(6,446)</b>	<b>(2.0)%</b>

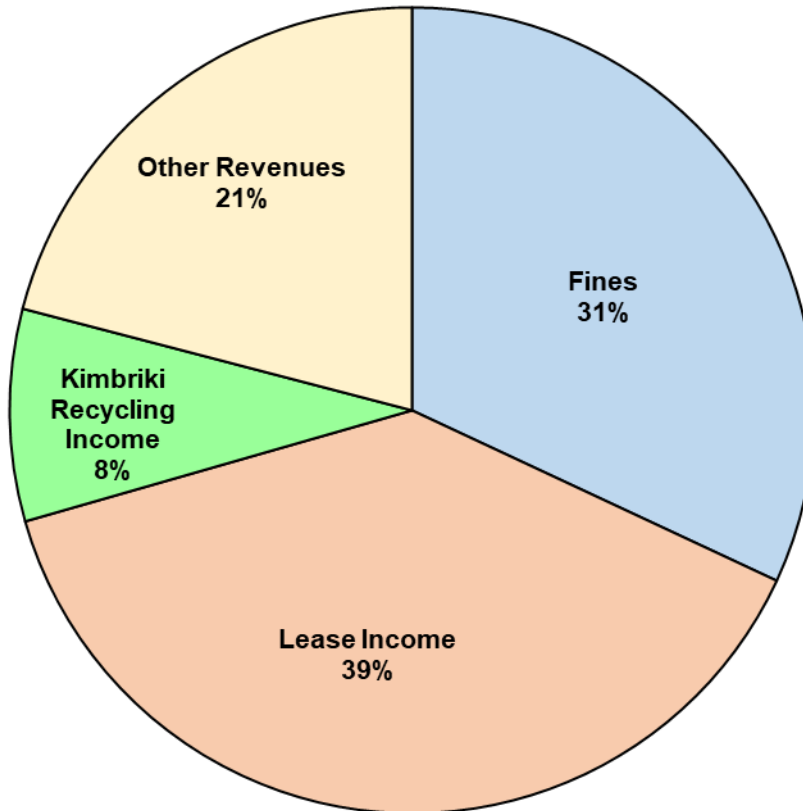


## User charges and fees



User Charges and Fees Item	1 July 2019 - 31 March 2020			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Kimbriki fees	17,399	15,616	1,783	11.4%
Parking	9,985	10,642	(657)	(6.2)%
Childrens Services	9,222	9,643	(421)	(4.4)%
Swimming Pools	6,134	5,681	454	8.0%
Caravan Park	4,441	4,746	(305)	(6.4)%
Development Assessments	2,419	3,141	(723)	(23.0)%
Glen Street Theatre	1,176	936	240	25.6%
Road Inspections and Restorations	1,635	1,834	(199)	(10.8)%
Venue Hire	1,410	1,617	(207)	(12.8)%
Sporting Facilities	2,163	2,191	(28)	(1.3)%
Sections 10.7 and 603 Certificates	885	847	39	4.6%
Building Fees and Permits	799	955	(156)	(16.3)%
Cemetery Fees	901	710	192	27.0%
Other	3,686	4,079	(393)	(9.6)%
<b>Total User Charges &amp; Fees</b>	<b>62,256</b>	<b>62,638</b>	<b>(382)</b>	<b>(0.6)%</b>

## Other revenues



Other Revenues Item	1 July 2019 - 31 March 2020			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Fines	5,992	6,773	(782)	(11.5)%
Lease Income	7,241	6,874	367	5.3%
Kimbriki Recycling Income	1,595	3,441	(1,846)	(53.6)%
Other Revenues	3,927	3,537	390	11.0%
<b>Total Other Revenue</b>	<b>18,755</b>	<b>20,626</b>	<b>(1,870)</b>	<b>-9.1%</b>

## Operating expenses Year to Date (YTD) Analysis

Total operating expenses at the end of March 2020 is \$253.8m, which is \$1.2m under the forecast. The principal reasons for this variance are as follows:

### Operating expenses as at 31 March 2020 – Variance to Approved YTD Budget

YTD Variance \$'000	Details – Favourable / (Unfavourable)
<b>(100)</b>	<b>Employee Benefits &amp; Oncosts</b> <ul style="list-style-type: none"> <li>Salaries and superannuation \$0.584m due to vacant positions</li> <li>Increase in the employee leave entitlements provision primarily due to the impact of decreases in interest rates since June 2019 (non-cash) (\$0.880m)</li> </ul>
<b>24</b>	<b>Borrowing Costs</b> <ul style="list-style-type: none"> <li>Lower than anticipated interest rates on borrowings subject to a variable rate (\$0.027m)</li> </ul>
<b>(2,178)</b>	<b>Materials and Contracts</b> <ul style="list-style-type: none"> <li>Timing of works within bush regeneration services \$0.598m</li> <li>Kimbriki materials and contracts due to increased vegetation processing costs \$0.319m</li> <li>Timing of the strategic planning projects including the Northern Beaches Local Environmental Plan \$0.648m</li> <li>Timing of works in the bushland, biodiversity and the floodplain management programs \$1.151m</li> <li>Clean-up following November 2019 (\$0.895m) and February 2020 storm events (\$1.244m)</li> <li>Timing of road signage and restoration projects and heavy patching undertaken in response to rain events and after hours call outs (\$0.778m)</li> <li>Timing of the maintenance and servicing of infrastructure building maintenance works (\$0.766m)</li> <li>Higher agency and contract personnel expenses due to staff vacancies in the Environmental Compliance team (\$0.671m)</li> </ul>
<b>(143)</b>	<b>Depreciation and Amortisation</b> <ul style="list-style-type: none"> <li>Timing of the completion of capital works projects</li> </ul>
<b>3,619</b>	<b>Other Expenses</b> <ul style="list-style-type: none"> <li>Timing of Stronger Communities Fund Mona Vale Public School Performance Space project \$1.449m</li> <li>Savings on streetlighting costs following the rollout of energy efficient LED fittings \$1.158m</li> <li>Timing and savings on insurance \$0.336m</li> <li>Advertising \$0.089m</li> <li>Timing of data services \$0.149m</li> </ul>

- Management fees \$0.108m

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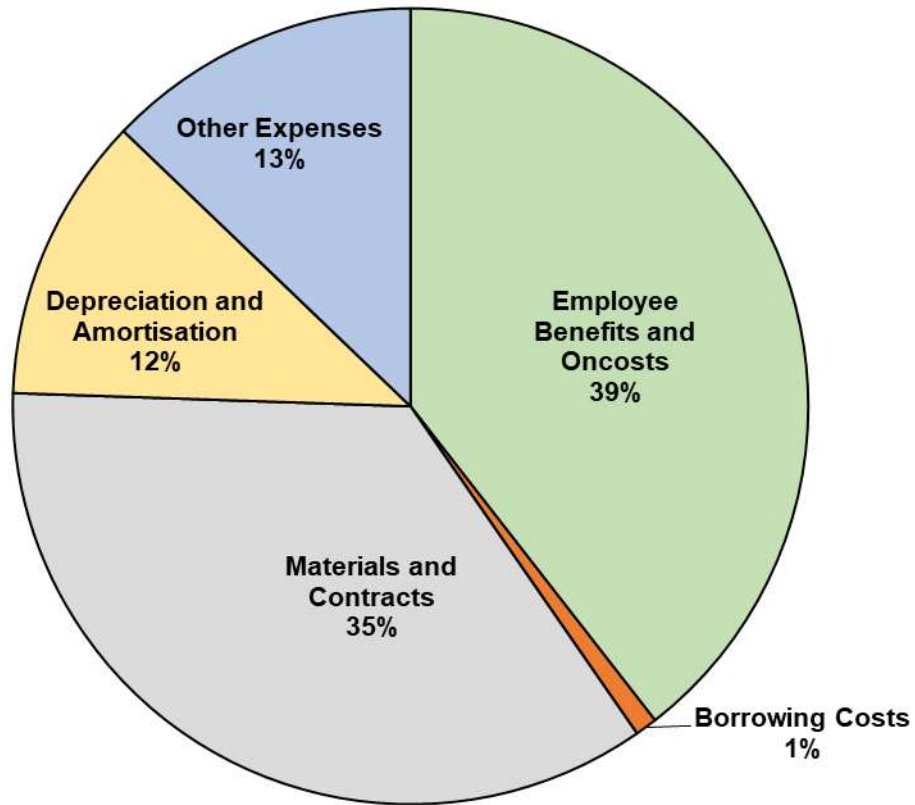
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**TOTAL OPERATING EXPENSES VARIANCE - YTD ACTUALS WITH YTD  
BUDGET**

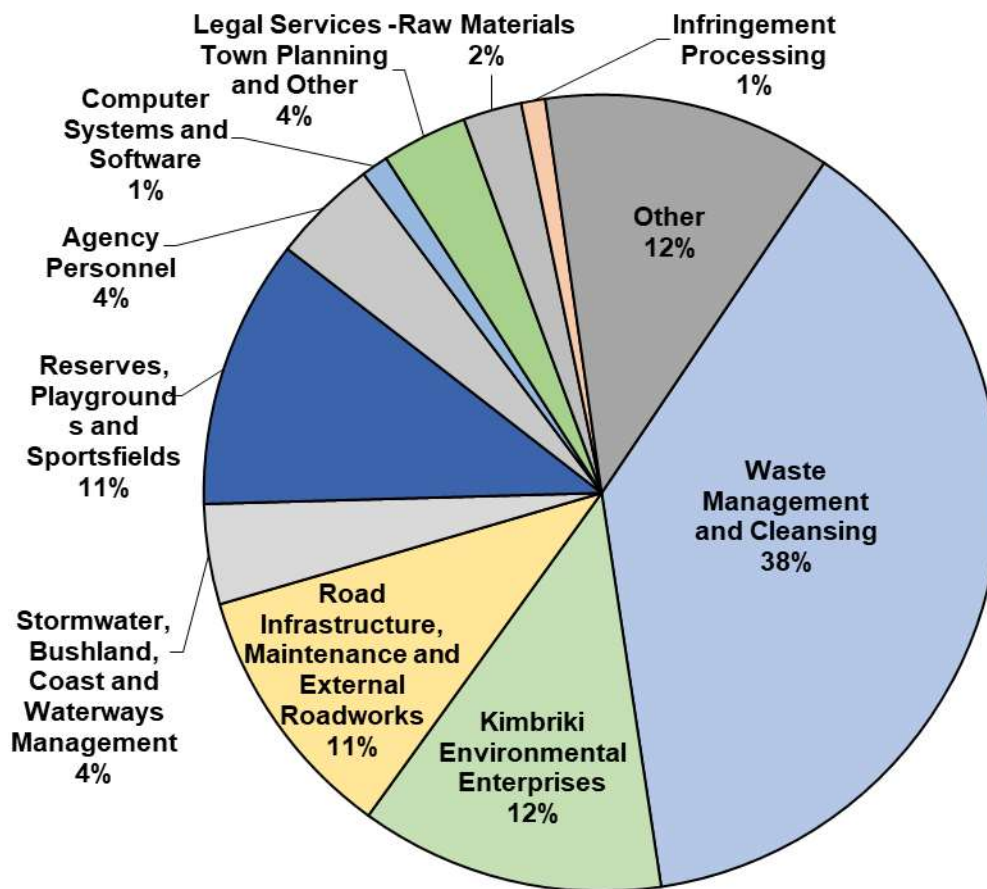
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## Expenses from Continuing Operations



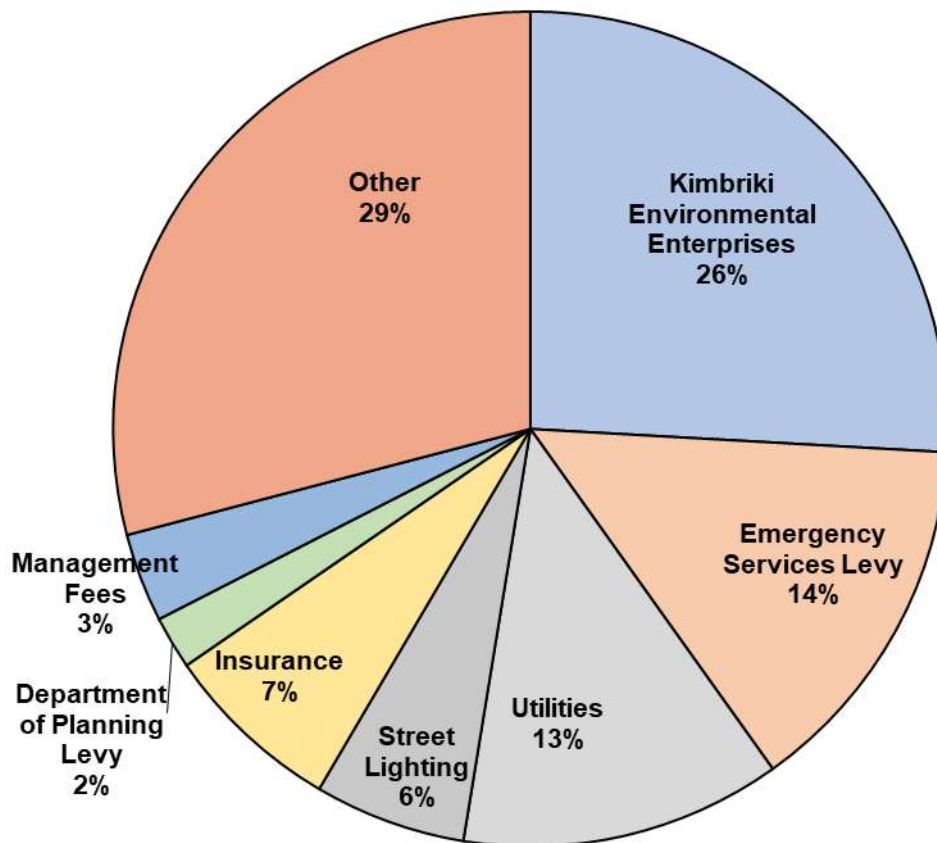
Expense Item	1 July 2019 - 31 March 2020			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Employee Benefits and Oncosts	100,181	100,081	(100)	(0.1)%
Borrowing Costs	2,271	2,295	24	1.0%
Materials and Contracts	89,281	87,103	(2,178)	(2.5)%
Depreciation and Amortisation	29,522	29,379	(143)	(0.5)%
Other Expenses	32,591	36,210	3,619	10.0%
<b>Total Expense</b>	<b>253,847</b>	<b>255,068</b>	<b>1,221</b>	<b>0.5%</b>

## Materials and contracts



Materials & Contracts Item	1 July 2019 - 31 March 2020			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Waste Management and Cleansing	34,072	33,992	(80)	(0.2)%
Kimbriki Environmental Enterprises	11,044	10,994	(50)	(0.5)%
Road Infrastructure, Maintenance and External Roadworks	9,391	7,852	(1,539)	(19.6)%
Stormwater, Bushland, Coast and Waterways	3,629	4,918	1,289	26.2%
Reserves, Playgrounds and Sportsfields	9,774	9,590	(185)	(1.9)%
Agency Personnel	3,823	2,735	(1,088)	(39.8)%
Computer Systems and Software	979	915	(64)	(7.0)%
Legal Services - Town Planning and Other	3,113	2,569	(544)	(21.2)%
Raw Materials	2,124	2,403	279	11.6%
Infringement Processing	874	933	59	6.3%
Other	10,458	10,203	(255)	(2.5)%
<b>Total Materials &amp; Contracts</b>	<b>89,281</b>	<b>87,103</b>	<b>(2,178)</b>	<b>(2.5)%</b>

## Other expenses



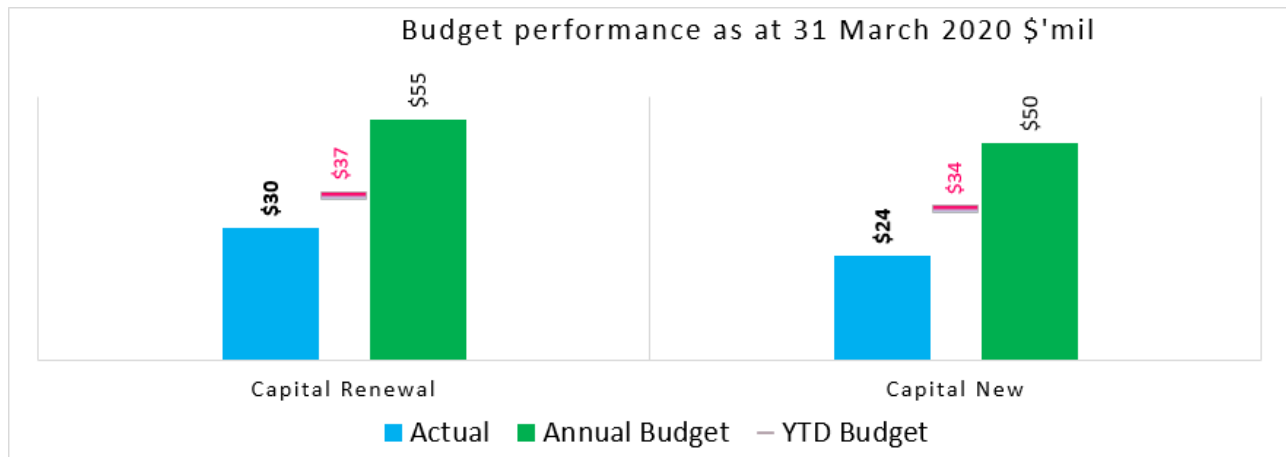
Other Expenses Item	1 July 2019 - 31 March 2020			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Kimbriki Environmental Enterprises	8,437	8,649	212	2.4%
Emergency Services Levy	4,643	4,643	0	0.0%
Utilities	4,054	4,055	1	0.0%
Street Lighting	1,916	3,074	1,158	37.7%
Insurance	2,272	2,607	336	12.9%
Department of Planning Levy	669	668	(1)	(0.1)%
Management Fees	1,121	1,229	108	8.8%
Other	9,480	11,284	1,805	16.0%
<b>Total Other Expenses</b>	<b>32,591</b>	<b>36,210</b>	<b>3,619</b>	<b>10.0%</b>

## Capital Budget Statement

Capital Expenditure is forecast to decrease by \$10.6m to \$93.9m as detailed in the Capital Budget Statement within Attachment 1 – ‘Quarterly Budget Review Statement’.

Expenditure on Capital Works for the nine months ended 31 March 2020 is \$53.8m.

Capital budget summary – as at 31 March 2020



## Financial Performance Measures

The following financial performance measures indicate that Council's financial results will be temporarily impacted by the COVID-19 pandemic, with a deficit position forecast, the Council is unlikely to meet the Operating Performance ratio benchmark of 0% at this time. The Council has adjusted its capital expenditure to provide capacity to respond to the pandemic and retain our long term strong and sustainable position.

\$ '000	Forecast result 30/6/2020	Forecast indicator 30/6/2020		Benchmark
<b>1. Operating Performance</b>				
Total continuing operating revenue <sup>1</sup> excluding capital grants and contributions less operating expenses	(7,464)	(2.24%)	X	>0%
Total continuing operating revenue <sup>1</sup> excluding capital grants and contributions	333,637			
This ratio measures Council's achievement of containing operating expenditure within operating revenue. It is important to distinguish that this ratio is focusing on operating performance and hence capital grants and contributions, fair value adjustments, net gain on sale of assets and reversal of revaluation decrements are excluded. For the 2019-20 financial year, the forecast result remains within the benchmark, but lower than previous years as the Council is returning surplus funds from the domestic waste reserve to customers through lower Domestic Waste Charges.				
<b>2. Own Source Operating Revenue</b>				
Total continuing operating revenue <sup>1</sup> excluding all grants and contributions	314,181	88.42%	✓	>60%
Total continuing operating revenue <sup>1</sup> inclusive of capital grants and contributions	355,328			
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. Council's financial flexibility improves the higher the level of its own source revenue.				
<b>3. Unrestricted Current Ratio</b>				
Current assets less all external restrictions	120,833	2.0x	✓	>1.5x
Current liabilities less specific purpose liabilities	60,648			

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

<sup>1</sup> Excludes fair value adjustments, reversal of revaluation decrements and net gain on sale of assets.



## CONSULTATION

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

## TIMING

The Quarterly Budget Review Statement meets the requirements of the Local Government Act 1993 (s404(5)) and Local Government (General) Regulation 2005 (CI203), namely that Council report quarterly on a budget review statement, and at least every six months on the principal activities of its Operational Plan.

## LINK TO 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 operating surplus (which includes capital grants and contributions) for the financial year is forecast to decrease by \$11.4m to a surplus \$15.1m. Excluding capital grants and contributions the result is forecast to decrease by \$10.1m from a surplus of \$3.5m to a deficit of \$6.6m. Capital Expenditure is forecast to decrease by \$10.6m to \$93.9m. The Council's financial results will be temporarily impacted by the COVID-19 pandemic, with a deficit position forecast, the Council is unlikely to meet the Operating Performance ratio benchmark of 0% at this time. The Council has adjusted its capital expenditure to provide capacity to respond to the pandemic and retain our long term strong and sustainable position.

## SOCIAL CONSIDERATIONS

The report discloses progress on implementing the Operational Plan 2019/20. This includes the continued delivery of capital works and services that support our community and economy. These initiatives will have a positive social and economic impact on the community.

## ENVIRONMENTAL CONSIDERATIONS

The report provides progress on implementing the Operational Plan 2019/20 which includes a range of projects which will protect and enhance our natural environment through management of coast, bush and biodiversity; implementing catchment management initiatives; and comprehensive environmental works and education on our urban and natural settings.

## GOVERNANCE AND RISK CONSIDERATIONS

The Quarterly Budget Review Statement meets the statutory reporting requirements for progress at the end of the quarter – i.e. implementation of the Operational Plan 2019/20 and Council's overall financial position. It is provided to enable informed decision making while also ensuring transparency on Council's governance, business assurance and financial sustainability.

<b>ITEM 9.2</b>	<b>MONTHLY INVESTMENT REPORT - APRIL 2020</b>
<b>REPORTING MANAGER</b>	<b>CHIEF FINANCIAL OFFICER</b>
<b>TRIM FILE REF</b>	<b>2020/264372</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## SUMMARY

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### PURPOSE

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

### EXECUTIVE SUMMARY

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

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

The Investment Report shows that Council has total cash and investments of \$166,981,616 comprising:

- Trading Accounts           \$1,609,733
- Investments                 \$165,371,883

Performance over the period from 1 July 2019 to date was strong having exceeded the benchmark: 2.04%pa vs. 1.53%pa.

### Certification – Responsible Accounting Officer

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

### LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

### FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2019 to date was \$3,427,702 compared to budgeted income of \$4,537,910, a negative variance of \$1,110,208.

### SOCIAL CONSIDERATIONS

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

## **ENVIRONMENTAL CONSIDERATIONS**

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

## **GOVERNANCE AND RISK CONSIDERATIONS**

Council's Investment Policy and Strategy were reviewed in August 2019 by Council's Investment Advisors, Laminar Capital Pty Ltd, who confirmed that the current policy *"remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet"* and that they *"do not recommend any changes to the list of approved investments or credit limit frameworks"*.

The Investment Policy was reviewed by the Audit, Risk and Improvement Committee at their meeting in December 2019, and no change to the Policy was required following that review.

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## **RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL**

That Council receives and notes the Investment Report as at 30 April 2020, including the certification by the Responsible Accounting Officer.

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**REPORT**

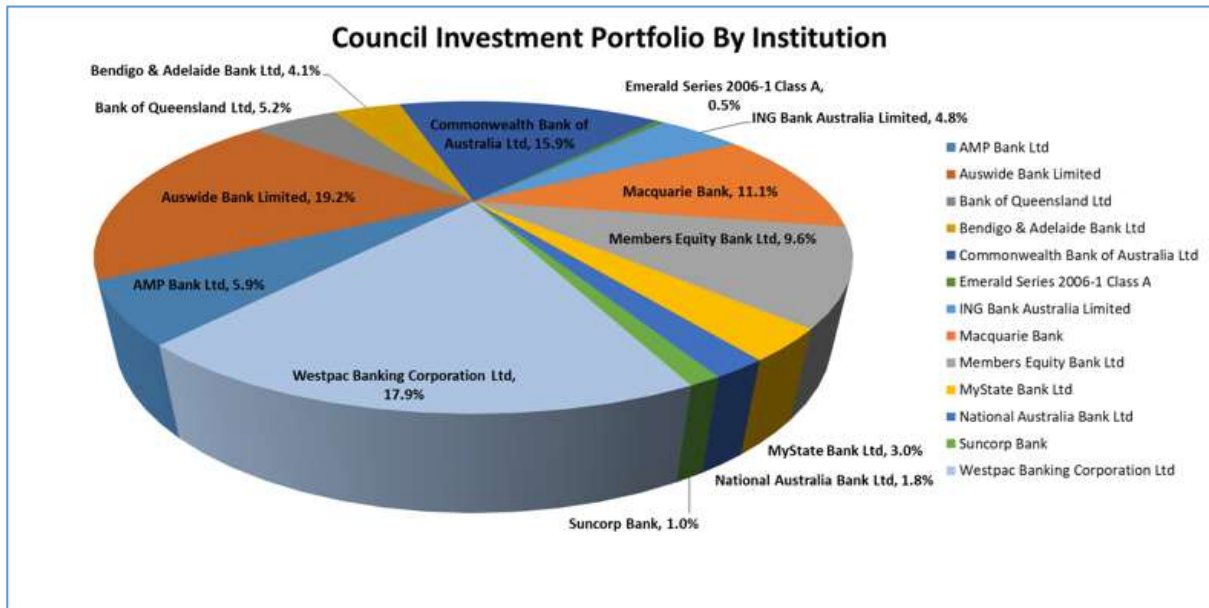
**INVESTMENT BALANCES**

<b>INVESTMENT BALANCES</b>				
As at 30-Apr-2020				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	528,353		0.30%
National Australia Bank Ltd	A1+	12,393		0.00%
		<b>540,746</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	4,670,498	At Call	0.60%
		<b>4,670,498</b>		
<b>Mortgage Backed Securities</b>				
Emerald Series 2006-1 Class A	AAA	819,823	21-Aug-51	1.3548%
		<b>819,823</b>		
<b>Term Deposits</b>				
MyState Bank Ltd	A2	3,000,000	05-May-20	1.65%
Westpac Banking Corporation Ltd	A1+	3,000,000	07-May-20	2.10%
Westpac Banking Corporation Ltd	A1+	2,000,000	12-May-20	2.10%
National Australia Bank Ltd	A1+	3,000,000	14-May-20	1.70%
AMP Bank Ltd	A2	2,000,000	14-May-20	1.90%
AMP Bank Ltd	A2	2,000,000	14-May-20	1.90%
Westpac Banking Corporation Ltd	A1+	2,000,000	19-May-20	1.78%
Members Equity Bank Ltd	A2	3,000,000	26-May-20	1.65%
Bank of Queensland Ltd	A2	2,000,000	28-May-20	1.65%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	28-May-20	1.60%
Bank of Queensland Ltd	A2	2,000,000	02-Jun-20	1.65%
Members Equity Bank Ltd	A2	3,000,000	04-Jun-20	1.60%
Members Equity Bank Ltd	A2	2,000,000	09-Jun-20	1.60%
MyState Bank Ltd	A2	2,000,000	11-Jun-20	1.65%
Members Equity Bank Ltd	A2	2,000,000	16-Jun-20	1.60%
Westpac Banking Corporation Ltd	A1+	4,000,000	23-Jun-20	2.50%
Members Equity Bank Ltd	A2	1,000,000	23-Jun-20	1.60%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	23-Jun-20	1.60%
Members Equity Bank Ltd	A2	2,000,000	25-Jun-20	1.60%
Macquarie Bank	A1	2,000,000	29-Jun-20	1.75%
Westpac Banking Corporation Ltd	A1+	3,000,000	02-Jul-20	2.50%
Westpac Banking Corporation Ltd	A1+	2,000,000	02-Jul-20	1.70%
Macquarie Bank	A1	2,000,000	07-Jul-20	1.75%
Auswide Bank Limited	A2	2,000,000	07-Jul-20	1.65%
Members Equity Bank Ltd	A2	1,000,000	07-Jul-20	1.60%
Westpac Banking Corporation Ltd	A1+	3,000,000	10-Jul-20	2.55%
Bank of Queensland Ltd	A2	2,000,000	16-Jul-20	1.65%
Westpac Banking Corporation Ltd	A1+	3,000,000	24-Jul-20	2.25%
Westpac Banking Corporation Ltd	A1+	2,000,000	04-Aug-20	1.70%
Auswide Bank Limited	A2	2,000,000	04-Aug-20	1.65%
Macquarie Bank	A1	2,000,000	06-Aug-20	1.70%
Auswide Bank Limited	A2	2,000,000	11-Aug-20	1.72%
Macquarie Bank	A1	2,000,000	13-Aug-20	1.70%

<b>INVESTMENT BALANCES</b>				
As at 30-Apr-2020				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Term Deposits (continued)</b>				
AMP Bank Ltd	A2	2,000,000	18-Aug-20	1.65%
Bank of Queensland Ltd	A2	1,000,000	20-Aug-20	1.60%
Auswide Bank Limited	A2	2,500,000	27-Aug-20	1.65%
ING Bank Australia Limited	A1	2,000,000	27-Aug-20	1.65%
Macquarie Bank	A1	3,000,000	01-Sep-20	1.70%
Westpac Banking Corporation Ltd	A1+	2,000,000	03-Sep-20	1.70%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	08-Sep-20	1.60%
Macquarie Bank	A1	2,000,000	15-Sep-20	1.65%
AMP Bank Ltd	A2	1,500,000	15-Sep-20	1.70%
Macquarie Bank	A1	3,000,000	17-Sep-20	1.70%
Members Equity Bank Ltd	A2	2,000,000	17-Sep-20	1.60%
ING Bank Australia Limited	A1	2,000,000	22-Oct-20	1.60%
Auswide Bank Limited	A2	2,000,000	10-Nov-20	1.60%
Auswide Bank Limited	A2	2,000,000	12-Nov-20	1.72%
Auswide Bank Limited	A2	2,000,000	24-Nov-20	1.70%
Auswide Bank Limited	A2	2,000,000	26-Nov-20	1.70%
Auswide Bank Limited	A2	2,000,000	03-Dec-20	1.65%
Auswide Bank Limited	A2	3,000,000	05-Jan-21	1.65%
ING Bank Australia Limited	A1	2,000,000	14-Jan-21	1.65%
ING Bank Australia Limited	A1	2,000,000	19-Jan-21	1.65%
Auswide Bank Limited	A2	1,000,000	04-Feb-21	1.65%
Auswide Bank Limited	A2	2,000,000	11-Feb-21	1.72%
Auswide Bank Limited	A2	2,500,000	23-Feb-21	1.65%
Auswide Bank Limited	A2	2,000,000	25-Feb-21	1.65%
		<b>122,500,000</b>		
<b>Kimbriki Environmental Enterprises Pty Ltd</b>				
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	1,068,987		0.00%
		<b>1,068,987</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	479,457	At Call	0.10%
Commonwealth Bank of Australia Ltd	A1+	1,001,367	At Call	0.20%
		<b>1,480,824</b>		
<b>Term Deposits</b>				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	18-May-20	1.44%
Commonwealth Bank of Australia Ltd	A1+	9,850,738	28-May-20	1.44%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	26-Jun-20	1.43%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	29-Jun-20	1.44%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	13-Jul-20	1.44%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	28-Aug-20	0.92%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	24-Sep-20	0.71%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	24-Oct-20	0.75%
		<b>18,850,738</b>		

<b>INVESTMENT BALANCES</b>				
As at 30-Apr-2020				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>New Council Implementation Fund</b>				
<b>Term Deposits</b>				
AMP Bank Ltd	A2	900,000	21-May-20	1.90%
		<b>900,000</b>		
<b>Stronger Communities Fund</b>				
<b>Term Deposits</b>				
Westpac Banking Corporation Ltd	A1+	900,000	12-May-20	1.70%
AMP Bank Ltd	A2	1,500,000	18-Jun-20	1.80%
		<b>2,400,000</b>		
<b>Stronger Communities Fund Round 2</b>				
<b>Term Deposits</b>				
Suncorp Bank	A1	1,750,000	21-May-20	1.63%
Westpac Banking Corporation Ltd	A1+	1,000,000	18-Jun-20	1.78%
Bank of Queensland Ltd	A2	1,700,000	14-Jul-20	1.65%
Westpac Banking Corporation Ltd	A1+	2,000,000	17-Jul-20	2.25%
Bendigo & Adelaide Bank Ltd	A2	1,800,000	21-Jul-20	1.60%
Auswide Bank Limited	A2	1,000,000	06-Aug-20	1.72%
Auswide Bank Limited	A2	2,000,000	25-Aug-20	1.65%
Macquarie Bank	A1	2,500,000	10-Sep-20	1.70%
		<b>13,750,000</b>		
<b>Total Cash and Investments</b>		<b>166,981,616</b>		

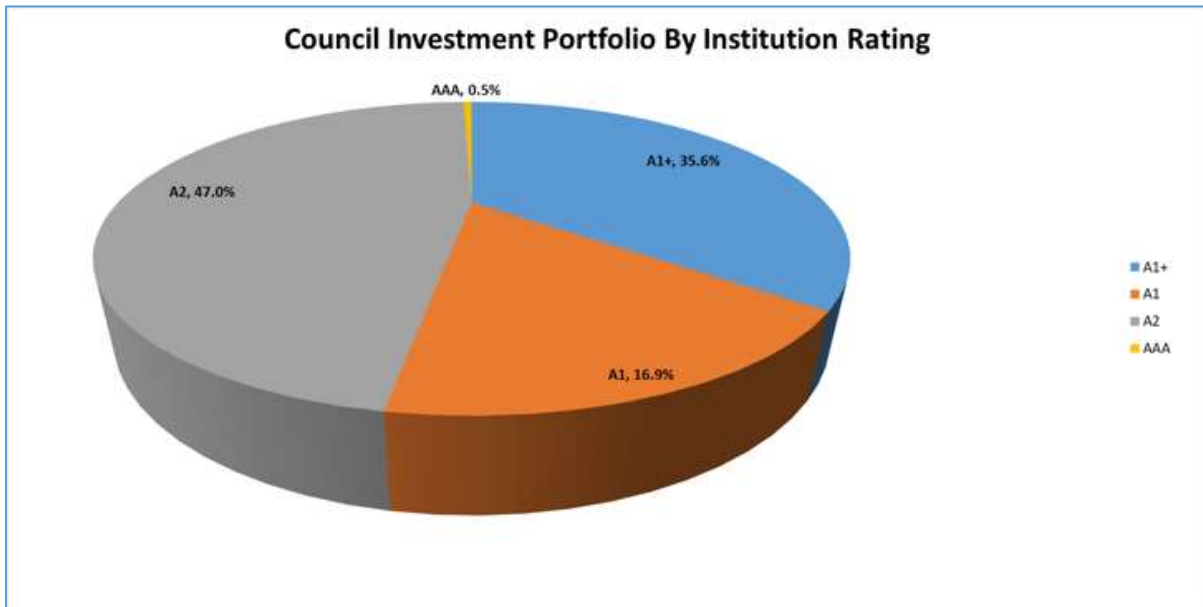
**PORTFOLIO ANALYSIS**



**Institutional Credit Framework – Compliance with Investment Policy Requirements**

Clause 4.2.2 of Council's Investment Policy requires that exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

Long Term Rating	Short Term Rating	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	50%	Yes
AA+			
AA			
AA-	A-1	40%	Yes
A+			
A	A-2	30%	Yes
A-			
BBB+			
BBB	A-3	10%	Yes
BBB-			
Unrated	Unrated	10%	Yes (\$Nil)



### Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

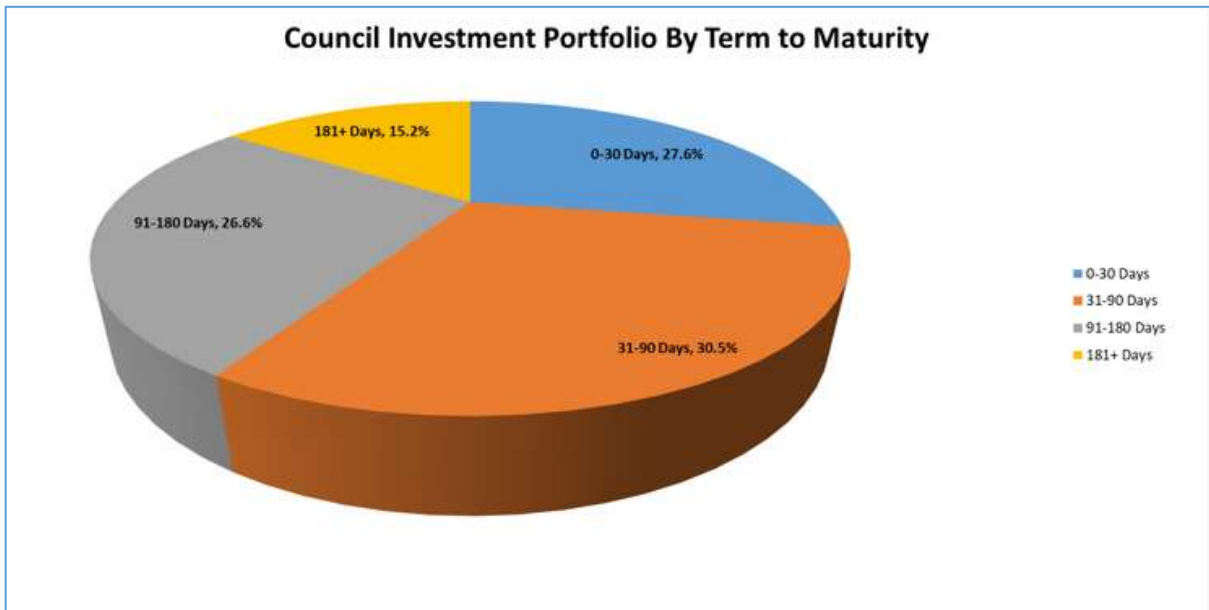
Clause 4.2.1 of Council’s Investment Policy requires that the total percentage exposure within the market to any particular credit rating category be limited, as detailed in the table below:

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

\* Or Moody’s / Fitch equivalents

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

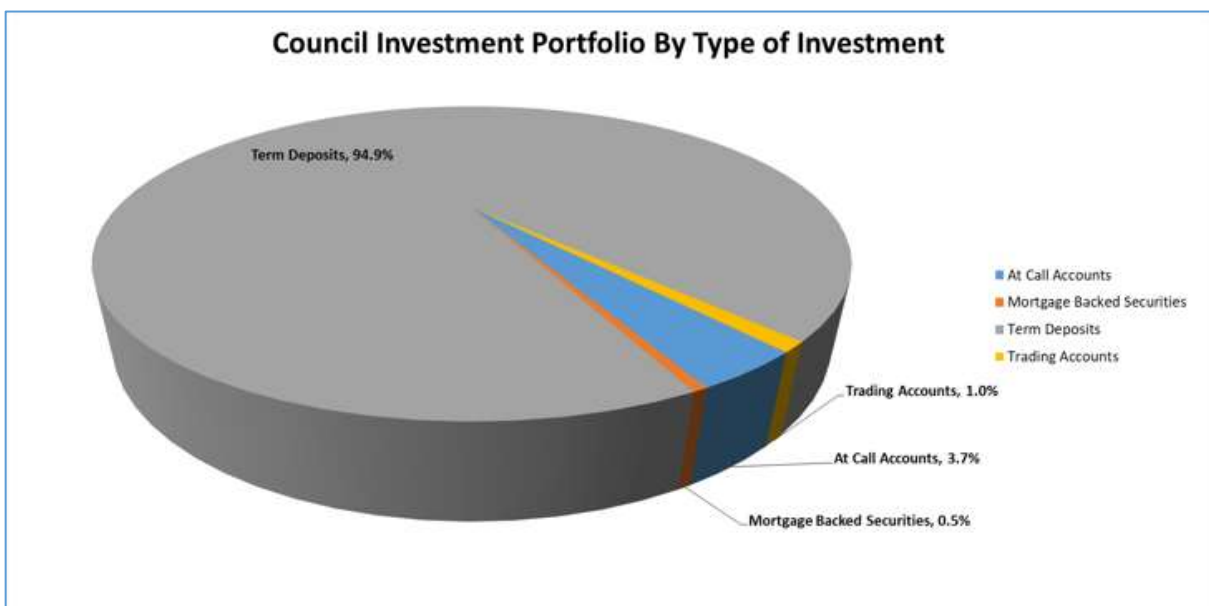




### Term to Maturity Framework – Compliance with Investment Policy Requirements

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

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

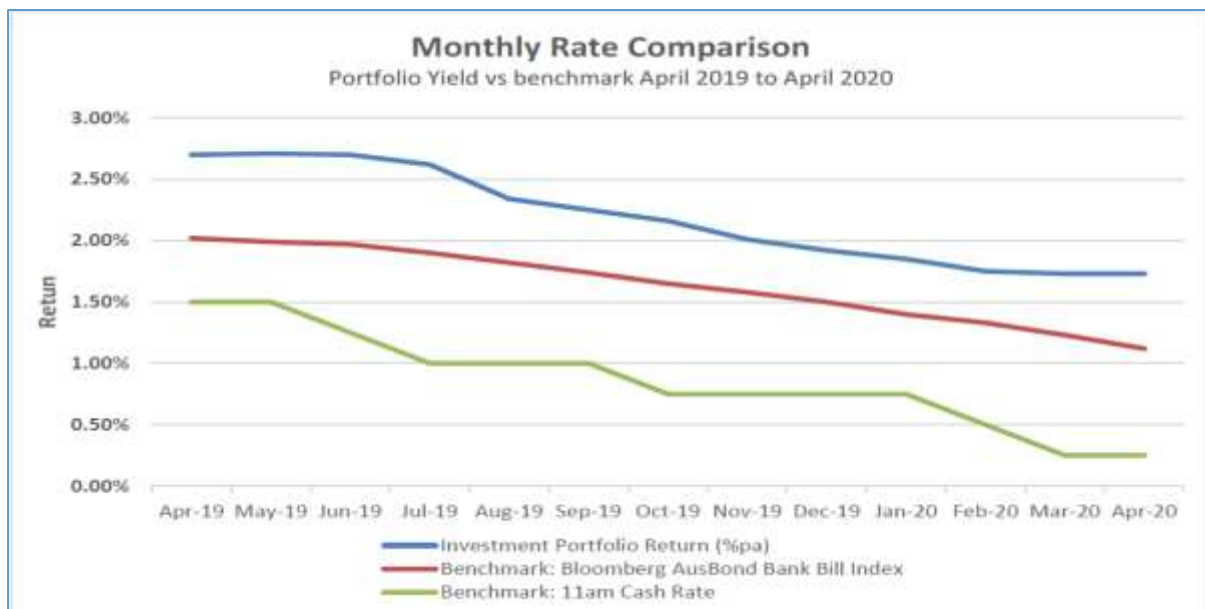


**INVESTMENT PERFORMANCE VS. BENCHMARK**

	Investment Portfolio Return (%pa)*	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	1.73%	1.12%	0.25%
3 Months	1.74%	1.23%	0.33%
6 Months	1.83%	1.36%	0.54%
FYTD	2.04%	1.53%	0.70%
12 Months	2.14%	1.60%	0.81%

\* Excludes trading account balances

\*\* This benchmark relates to Cash Fund holdings

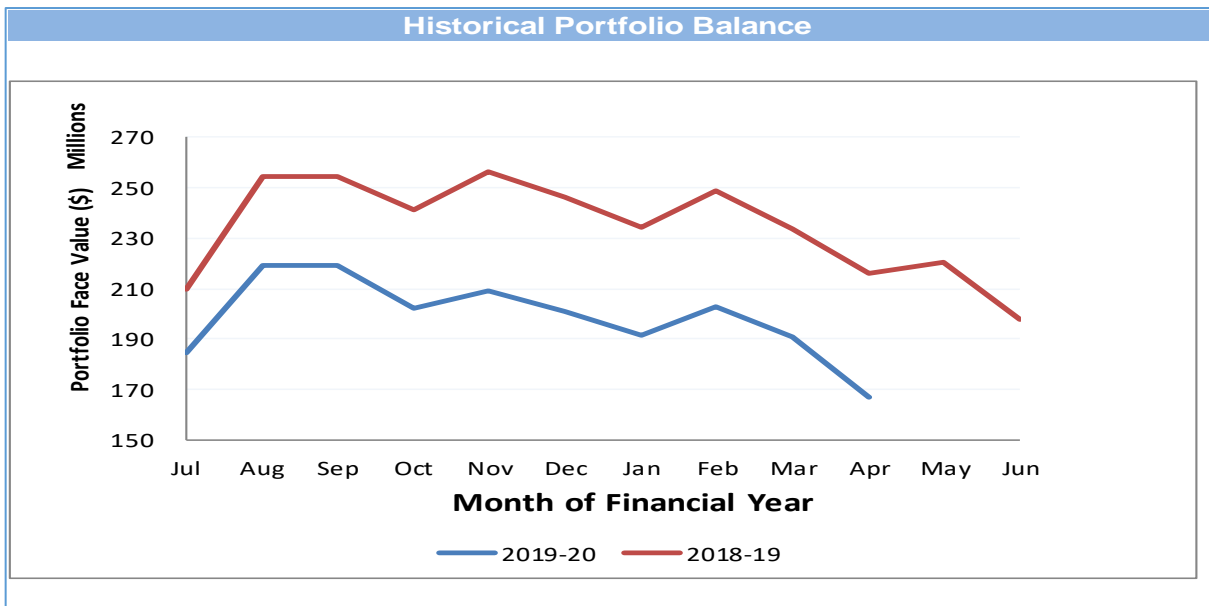


**MONTHLY INVESTMENT INCOME\* VS. BUDGET**

	Apr 2020 \$	Year to Date \$
Investment Income	244,863	3,416,286
Adjustment for Fair Value	(4)	11,416
Total Investment Income	244,859	3,427,702
Budgeted Income	366,833	4,537,910

\*Includes all cash and investment holdings

Historical Portfolio Balance		
	2019-20	2018-19
<b>Jul</b>	184,317,848	209,605,515
<b>Aug</b>	219,369,559	254,510,268
<b>Sep</b>	219,459,189	254,769,836
<b>Oct</b>	201,971,383	240,996,644
<b>Nov</b>	209,221,468	256,137,875
<b>Dec</b>	200,959,271	246,453,069
<b>Jan</b>	191,226,461	234,499,949
<b>Feb</b>	202,672,569	249,011,046
<b>Mar</b>	190,792,653	233,537,191
<b>Apr</b>	166,981,616	215,948,342
<b>May</b>		220,652,093
<b>Jun</b>		198,030,610
<b>Average Portfolio Balance</b>	198,697,202	234,512,703



**Statement of Compliance**

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

**Investment Policy Compliance**

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

## ECONOMIC NOTES

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

The negative impact on economic activity of restrictions aimed at containing the spread of covid-19 are showing in many economic indicators released in major economies during April. Sharp reductions are showing in March and April reports and early reports of Quarter 1 GDP (China's GDP falling from +6.0% year-on-year in Quarter 4 2019 to -6.8% year-on-year in Quarter 1 2020). Australia is an exception at this stage where March economic reports have held up and even strengthened and Quarter 1 GDP may show positive change. This exception will not last and a sharp Australian GDP fall is likely in Quarter 2.

Returning to the economic indicators released in April, in the United States there is clear evidence of a sharp down-turn in the March and April readings. Housing indicators slumped in March with housing starts down 22.3% month-on-month; existing home sales down 8.5% month-on-month; and new home sales down 15.4% month-on-month. March retail sales fell 8.7% month-on-month. March industrial production fell 5.4% month-on-month and durable goods orders fell 14.4% month-on-month. Regional manufacturing purchasing manager reports point to a deepening downturn slumping in April. The Empire (New York) State survey fell to -78.2 from -21.5 in March while the Philadelphia survey fell to -56.6 from -12.7 in March.

In China, the data released in April showed an economy that was probably at its weakest in February and has become noticeably less weak in March and April as restrictions started to be relaxed. Several March readings were noticeably less weak than in February. Exports fell 6.6% year-on-year in March compared with -17.2% year-on-year in February; Imports fell 0.9% year-on-year compared with -4.0% year-on-year in February; and industrial production fell 1.1% year-on-year compared with 13.5% year-on-year in February. Fixed asset investment spending, -16.1% year-on-year from -24.5% in February and retail sales, -15.8% from -20.5% showed less pronounced falls in March but remain very weak. The official purchasing manager reports for March are more promising with the manufacturing report lifting to 52.0 from 35.7 in February and the services report lifting to 52.3 from 29.6. While China's GDP growth collapsed to -6.8% year-on-year in Quarter 1 this looks like the low point and the re-opening of much of China's economy together with the support of the Peoples' Bank of China to keep loans flowing to already highly leveraged companies, many precariously poised financially, points to recovery starting in Quarter 2 – providing covid-19 numbers do not force a return to restrictions.

In Europe, preliminary Quarter 1 GDP is due later this week and is likely to show a fall around 3.2% quarter-on-quarter and near -3.5% year-on-year. GDP is likely to fall again in Quarter 2 even on the most optimistic scenario. Several countries in Europe have experienced high covid-19 infection and mortality rates during April including Italy, Spain, France and the United Kingdom. In all these countries, daily infection and mortality rates appear to have peaked and tentative easing of restrictions has started in Italy and Spain. Wage and business support programs introduced are generous in most European countries and if restrictions are progressively eased over the northern summer European GDP recovery may start in Quarter 3 or Quarter 4.

In Australia, the negative impact of covid-19 restrictions on GDP growth is unlikely to show until Quarter 2. The next Quarter 1 GDP report due in early June may show positive change making Australia an odd man out in a world of sharp reductions in GDP. Preliminary March reports of retail sales, +8.2% month-on-month the second biggest monthly increase on record, and exports, up \$A8 billion or +29% month-on-month both tip the scales towards a positive Quarter 1 GDP report. The out-sized increases in March retail sales and exports are likely one offs with covid-19 related panic-buying generating the retail sales result and sharp recovery in iron-ore shipments to China in March prompting much of the export result. February home building approvals rose 19.9% month-on-month and March employment rose by 5,900, much better than the -40,000 expected, and leading to only a small nudge up in the unemployment rate to 5.2% against 5.5% expected. These results are mostly a matter of timing.

## 10.0 COMMUNITY AND BELONGING DIVISION REPORTS

<b>ITEM 10.1</b>	<b>PUBLIC ART WORKING GROUP MINUTES</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE</b>
<b>TRIM FILE REF</b>	<b>2020/208721</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Minutes - Public Art Working Group (PAWG) Meeting 20200305</a></b>

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### BRIEF REPORT

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#### PURPOSE

To report the minutes of the Public Art Working Group meeting held on 5 March 2020, seek endorsement of an amended vision statement for the Coast Walk Public Art Strategic Plan and the three initial public artwork commissions for the Coast Walk.

#### REPORT

The Public Art Working Group (the Working Group) assists Council to implement the vision and goals of the Northern Beaches Arts and Creativity Strategy, Connected Through Creativity 2029, the delivery of the Coast Walk Public Art Strategic Plan, and other public art projects initiated by Council.

Northern Beaches Council's public art objectives are to:

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

Council resolved at its meeting on 25 February 2020

*That Council:*

1. *Notes the draft minutes of the Public Art Working Group meetings held on 31 October 2019 and 5 December 2019.*
2. *Further develop with the Public Art Working Group at the 5 March 2020 meeting, a vision that expresses the unique opportunity that the Coast walk presents to create a journey through the use of public art including artworks, wayfinding and connection with our cultural heritage and the environment.*
3. *Endorses the following five sites to be prioritised for the commissioning and delivery of artwork along the Coast Walk, with the first four sites to commence in 2020:*
  - A. *McKillop Park (viewing platform), Freshwater*
  - B. *Governor Phillip Park, Palm Beach (northern end)*
  - C. *Robert Dunn Reserve, Mona Vale Headland (south)*
  - D. *Dee Why Beach (southern end)*

### *E. Freshwater Beach (southern end).*

The discussion at the Working Group meeting of 5 March 2020 included:

- Discussion of Council's resolution of 25 February 2020 and in particular, consideration of the vision statement for the Coast Walk. It was agreed to recommend to Council that the vision statement for the Coast Walk Public Art Strategic Plan be changed to:

*The Coast Walk is a unique experience that unlocks the extraordinary environment through art, creativity and cultural heritage.*

- Consideration of the broad context of the Coast Walk, including pathways and best practice public art associated with the following themes:

1. Exploring Aboriginal heritage through story
2. Celebrating nature
3. Experiencing the extraordinary

- Consideration of the endorsed priority sites for initial public art works on the Coast Walk.
- Discussion of an indicative timeline for the commissions and feedback on a draft artist brief template.

The Meeting Minutes of 5 March 2020 (Attachment 1) were endorsed by the Public Art Working Group at their meeting of 2 April 2020, conducted by email and phone.

### **LINK TO COUNCIL STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Community and Belonging - Goal 10: Our community is stimulated through a diverse range of cultural, creative activities and events.

### **FINANCIAL CONSIDERATIONS**

Adoption of the minutes of the Working Group will not result in any financial impact. The public art commissions for the Coast Walk are funded from the \$2M allocation to public art from the Merger Savings Fund on 27 June 2017.

### **ENVIRONMENTAL CONSIDERATIONS**

The adoption of the minutes of the Working Group will not create adverse environmental impacts.

### **SOCIAL CONSIDERATIONS**

The Working Group provides valuable advice regarding public art and cultural development. It includes involvement and engagement with a broad range of stakeholders across the creative sector.

### **GOVERNANCE AND RISK CONSIDERATIONS**

The Working Group is conducted in accordance with Council's governance framework and adopted Public Art Working Group Terms of Reference.

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## RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council notes the minutes of the Public Art Working Group meeting held on 5 March 2020:

1. Notes the minutes of the Public Art Working Group meeting held on 5 March 2020.
  2. Amend the Coast Walk Public Art Strategic Plan vision statement to: *The Coast Walk is a unique experience that unlocks the extraordinary environment through art, creativity and cultural heritage.*
  3. Endorse the following three projects and budgets for the initial commissions of public art on the Coast Walk:
    - A. Aboriginal artwork and interpretation project (integrated along the Coast Walk and at sites to be selected with key local Aboriginal stakeholders) with a budget of \$400,000, part funded by a \$200,000 grant from Clubs NSW.
    - B. Open Commission at McKillop Park, Freshwater, with a budget of \$400,000-\$500,000.
    - C. Public Art Artist Panel Commission at Robert Dunn Reserve, Mona Vale Headland, with a budget of \$200,000.
-



# MINUTES

## **PUBLIC ART WORKING GROUP**

held in the Flannel Flower Room, Dee Why on:

**THURSDAY 5 MARCH 2020**



## **Minutes of the Public Art Working Group Meeting**

**held on Thursday 5 March 2020**

**in the Flannel Flower Room,**

**Dee Why**

**Commencing at 6pm**

### **ATTENDANCE:**

#### **Working Group Members**

Cr Penny Philpott (Chair) Cr Sue Heins  
Cr Kylie Ferguson  
Billie Routledge, Community member  
Penny Polkinghorne, Community member  
Marissa Bateman, Community member

#### **Council Officers**

David Kerr, Director Community and Belonging  
Kylie Walshe, Executive Manager Community, Arts & Culture  
Kath McKenzie, Executive Manager, Community Engagement & Communications  
Josephine Bennett, Manager Arts & Culture  
Christiane Statham, Public Art Coordinator

## 1.0 WELCOME / APOLOGIES

Cr Penny Philpott welcomed members to the third meeting of the Public Art Working Group (the Working Group) and gave an Acknowledgement of Country.

David Kerr, Director Community and Belonging; Kath McKenzie, Executive Manager, Community Engagement and Communications, and Christiane Statham, Public Art Coordinator were introduced.

Apologies were received from:

- Aunty Clair Jackson, Community member
- Ashley McDonald, Community member
- Simon Barrett, Community member
- John Pearson, Community member

## 2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The Minutes of the Public Art Working Group meeting held 5 December 2019, copies of which were previously circulated to all Members, were confirmed as a correct record of the proceedings of that meeting by those members in attendance.

## 3.0 COAST WALK PUBLIC ART

### 3.1 Vision / Mission

#### DISCUSSION

Staff outlined the outcomes of the Council meeting on 25 February 2020 with regards to public art and the Northern Beaches Coast Walk. It was resolved:

*That Council:*

1. *Notes the draft minutes of the Public Art Working Group meetings held on 31 October 2019 and 5 December 2019.*
2. *Further develop with the Public Art Working Group at the 5 March 2020 meeting, a vision that expresses the unique opportunity that the Coast walk presents to create a journey through the use of public art including artworks, wayfinding and connection with our cultural heritage and the environment.*
3. *Endorses the following five sites to be prioritised for the commissioning and delivery of artwork along the Coast Walk, with the first four sites to commence in 2020:*
  - A. *McKillop Park (viewing platform), Freshwater*
  - B. *Governor Phillip Park, Palm Beach (northern end)*
  - C. *Robert Dunn Reserve, Mona Vale Headland (south)*
  - D. *Dee Why Beach (southern end)*
  - E. *Freshwater Beach (southern end).*

The Vision developed by the Working Group at its last meeting in December 2019 was:

*The Coast Walk connects people with our extraordinary environment through art, culture and creativity.*

Members of the Working Group discussed the importance of the Vision including concepts of diversity, shared history and heritage, connectivity, accessibility and the Coast Walk as a unique and extraordinary experience.

#### **RECOMMENDATION**

The Public Art Working Group recommend that:

- The vision statement in the Coast Walk Public Art Strategic Plan be amended to:

*The Coast Walk is a unique experience that unlocks the extraordinary environment through art, creativity and cultural heritage*

- These amendments be reported to Council for endorsement along with the Working Group Meeting Minutes.

### **3.2 Coast Walk themes and first commissions**

#### **DISCUSSION**

Staff presented a recap of key outcomes from the Coast Walk Public Art Strategy Community Engagement and the Principles of the Strategic Plan. Staff also presented on the broader context of the Coast Walk brand, and the development of key themes for the Coast Walk. These three key themes will guide the further development of the artist briefs and the marketing of the Coast Walk in future. The themes are:

1. Exploring Aboriginal heritage through story
2. Celebrate nature
3. Experience the extraordinary

Staff provided best practice examples of public artworks that explore the ideas and concepts associated with each theme. The Working Group explored the themes in relation to specific sites and opportunities on the Coast Walk and discussed procurement, artist selection and community engagement methodologies.

Staff read out comments from John Pearson regarding project budgets, an enquiry to panel member Marissa Bateman, and the artist brief.

A working group member provided a contextual overview of budget sizes for outdoor sculptures. They will also provide Council with some documents from UAP, including an artist brief for the Kurnell project and indicative costs for permanent outdoor sculpture works UAP has recently commissioned.

Applying the three themes to three projects, the Working Group agreed to move forward with the following commissions and sites:

1. Aboriginal artwork and interpretation project (integrated along the Coast Walk and at sites to be selected with key local Aboriginal stakeholders) - \$400,000
2. Open Commission – McKillop Park, Freshwater - \$400,000-\$500,000
3. Public Art Artist Panel – Robert Dunn Reserve, Mona Vale Headland - \$200,000

The Working Group agreed to discuss other sites for a permanent or temporary public art project at its next meeting.

Staff presented an indicative timeline and the artist brief template.

The Working Group discussed the artist brief template and agreed it would be further developed by Council staff, as specifically required for each project. The Artist Briefs will also incorporate any recommendations made by Working Group members before the end of March, when the first meeting of the Public Art Selection Panel will be convened by Council.

The Artist Briefs will be evaluated by the Selection Panel before Expressions of Interest open in May.

#### **RECOMMENDATION**

Council staff incorporate any comments made by the Working Group on the Artist Briefs before the end of March 2020.

### **4.0 Offer of Donation**

#### **DISCUSSION**

Staff presented a potential sculpture donation by artist Ruth Downes. The sculpture is an 8-metre long wrought iron and steel sculpture of an eel, created in 1995, which will be decommissioned by the City of Parramatta as part of the Charles Street Wharf precinct redevelopment.

The Working Group discussed the eligibility criteria for donations to the Northern Beaches Cultural Collection in its Cultural Collection Management and Gifts Guidelines, the Public Art Policy and Public Art Guidelines, namely:

- Demonstrable significance for the Northern Beaches community
- Appropriateness of the artwork to the context of its site
- No artworks, objects or cultural material will be acquired that relate to Aboriginal heritage on the Northern Beaches.

#### **RECOMMENDATION**

The Working Group recommended that the artist be thanked for the donation offer, but is referred to another collecting institution.

### **5.0 Dee Why Art Walk**

#### **DISCUSSION**

The Dee Why Art Walk is a collection of painted panels that were installed along Dee Why Strand, leading to the Dee Why ocean swimming pools, by Warringah Council in 2015. Originally, these works were planned to be rotated every 12 to 18 months.

Staff propose to replace these panels with an aluminium print of Dee Why beach taken in c1920s, to be printed and installed by Council. This material will be durable and the photographic print, from the collection of the State Library of NSW, will connect passersby to the history of the place.

## RECOMMENDATION

The Working Group were in agreement with this proposal.

## 6.0 2020 Meeting Schedule

Staff thanked Working Group members for their contributions and confirmed the 2020 Meeting Schedule for the Public Art Working Group.

Meetings will be held on Thursday evenings and are scheduled for:

- 4 June 2020, 6-8pm – Guringai Room, Civic Centre Dee Why
- 3 September 2020, 6-8pm – Guringai Room, Civic Centre Dee Why
- 19 November 2020, 6-8pm – Flannel Flower Room, Civic Centre Dee Why

## 7.0 OTHER BUSINESS

Nil

## NEXT MEETING

Additional Meeting called for Thursday 2 April 2020, 6-8pm – to be confirmed.

**SUMMARY OF ACTIONS**

<b>ITEM NO.</b>	<b>ACTION</b>	<b>RESPONSIBLE OFFICER</b>	<b>DUE DATE</b>
3.1	Prepare a Recommendation for Council to amend the vision statement included in the adopted Coast Walk Public Art Strategic Plan as per the Working Group recommendation.	Josephine Bennett	31 March 2020
5.1	Prepare site and budget-specific public art project briefs as per the Working Group recommendation.	Christiane Statham	May 2020

*The meeting concluded at 8pm*

This is the final page of the Notes comprising 6 pages numbered 1 to 6 of the Public Art Working Group meeting held on Thursday 5 March 2020.

## 12.0 PLANNING AND PLACE DIVISION REPORTS

<b>ITEM 12.1</b>	<b>OUTCOMES OF PUBLIC EXHIBITION - DRAFT VOLUNTARY PLANNING AGREEMENT FOR 31 BELLARA AVENUE AND 66 POWDERWORKS ROAD, NORTH NARRABEEN</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2020/199253</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a>Response to Submissions Table (Included In Attachments Booklet)</b> <b>2 <a href="#">⇒</a>Amended Voluntary Planning Agreement (Included In Attachments Booklet)</b>

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### SUMMARY

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#### PURPOSE

To inform Council of the outcomes of the public exhibition of the draft Voluntary Planning Agreement for 31 Bellara Avenue and 66 Powderworks Road, North Narrabeen and seek Council's agreement to provide delegation to the Chief Executive Officer to execute the Voluntary Planning Agreement.

#### EXECUTIVE SUMMARY

On 17 September 2019, Council received an offer to enter into a Voluntary Planning Agreement (the "VPA offer") and a draft Voluntary Planning Agreement document (the "draft VPA"). The draft VPA is related to Development Application (DA2018/1335) that seeks consent for the consolidation of two lots and re-subdivision of the consolidated lot into two lots with a new dwelling entitlement at 31 Bellara Avenue and 66 Powderworks Road, North Narrabeen. The DA is the subject of Land and Environment Court proceedings. This report does not address the merits of the DA currently before the Court generally. Assessment of the VPA is limited to the matters proposed by the VPA.

The draft VPA seeks to construct a formalised three-point turn bay at 31 Bellara Avenue and dedicate the portion of the land containing the turn bay to Council. The Development Contributions Committee considered an assessment of the VPA offer and draft VPA and determined there is a public benefit arising from the offer. In the opinion of Council's Transport Network Manager, the proposed public turning bay will result in an improvement to Bellara Avenue from a safety and function perspective.

Council considered an assessment of the VPA offer and draft VPA at its meeting of 25 February 2020 and resolved as follows:

*That Council:*

- 1. Notes the assessment of the draft Voluntary Planning Agreement.*
- 2. Places the draft Voluntary Planning Agreement and Explanatory Note on public exhibition for a minimum 28 days in accordance with legislative requirements.*
- 3. Be presented with a report on the outcomes of the public exhibition of the draft Voluntary Planning Agreement.*
- 4. Note the exhibition of the draft Voluntary Planning Agreement is not pre-empting the outcome of the Development Application.*

The draft VPA and supporting documentation were publicly exhibited in accordance with Council's resolution of 25 February 2019 and the provisions of the Environmental Planning & Assessment

Regulation 2000 from 29 February 2020 to 29 March 2020. Six submissions were received during the exhibition period. The issues raised in these submissions are addressed in the Response to Submissions Table (Attachment 1).

Following the outcomes of the public exhibition, minor amendments to the exhibited draft VPA are proposed. An amended Voluntary Planning Agreement (the "amended VPA") (Attachment 2) is now presented to Council for consideration. If Council supports the amended VPA, the agreement will be subject to the Land and Environment Court granting consent to the DA on the basis that the amended VPA be entered into.

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## **RECOMMENDATION OF DIRECTOR PLANNING AND PLACE**

That Council:

1. Notes the outcomes of the public exhibition of the draft Voluntary Planning Agreement.
  2. Agree to enter into the Voluntary Planning Agreement subject to the Land and Environment Court granting development consent to DA2018/1335.
  3. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
  4. Advise all submitters of Council's decision regarding the Voluntary Planning Agreement.
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## REPORT

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### BACKGROUND

On 13 August 2018, Council received a Development Application (DA2018/1335) which seeks consent to the consolidation of two lots and re-subdivision of the consolidated lot into two lots with a new dwelling entitlement at 31 Bellara Avenue and 66 Powderworks Road, North Narrabeen.

Assessment of the DA identified issues with the proposed development, including the requirement for an appropriate turning facility whether via dedication of land or via an easement for right of way. Comments from Council's Traffic Officer at the time of the DA assessment included:

*It should be noted that Bellara Avenue is a narrow street with minimal opportunities to undertake a u-turn safely, without utilising a private driveway. As such, as the applicant is seeking to undertake works at the end of the street, it will be necessary that they provide an appropriate turning facility whether via dedication of land or within the site via a right of way.*

Bellara Avenue is a sealed public road approximately 15m wide and closed at the eastern end. At this end of Bellara Avenue, vehicle turning to exit the street is difficult and cannot occur without accessing private driveways.

A Class 1 appeal against Council's deemed refusal of the DA was lodged with the Land and Environment Court (the "LEC") on 20 December 2018. A conciliation conference under Section 34 of the *Land and Environment Court Act 1979* was held in the proceedings. The LEC's *Practice Note – Class 1 Development Applications* requires parties to participate, in good faith, in the conciliation conference and to genuinely endeavour to reach agreement at the conciliation conference.

While the conciliation conference was terminated without an agreement entered into under section 34(3) of the *Land and Environment Court Act 1979*, the developer has offered, on a without prejudice basis, to enter into a Voluntary Planning Agreement (the "VPA offer") to:

- Construct road pavement in land adjoining Bellara Avenue to incorporate a three-point turn bay.
- Dedicate to Council, 101.4m<sup>2</sup> of land adjoining Bellara Avenue that will contain a three-point turn bay. The dedication of the land would allow for a three-point turn bay for public use.



Image 1 – Looking east from Bellara Avenue towards the location of the proposed three-point turn bay



Image 2 – Looking west towards Bellara Avenue from the location of the proposed three-point turn bay



The VPA offer and a draft Voluntary Planning Agreement document (the “draft VPA”) were originally received on 17 September 2019.

In the absence of a contributions plan made under Part 7 of the *Environmental Planning and Assessment Act 1979* which authorises the dedication of the land adjoining Bellara Avenue to Council free of charge, a VPA is an appropriate legal mechanism for the developer to dedicate the land to Council and provide a public turn bay on the land.

Section 7.4 of the *Environmental Planning and Assessment Act 1979* relevantly provides that a planning agreement is a voluntary agreement or other agreement between a planning authority (such as Council) and a person (the developer) who has entered into an agreement with, or is otherwise associated with, a person who has made a development application.

Keenwill Pty Limited and Mr Corless are the registered proprietors of the land to which the DA relates and are named as the “Developer” in the draft VPA. Mr Sanderson is a director of Keenwill Pty Limited and Ms Sanderson was formerly a director of Keenwill. Mr and Mrs Sanderson c/- CMS Surveyors lodged the DA. The Sandersons, Corless and Keenwill gave owners consent to the lodgement of the DA.

At the time Council received the VPA offer, the Warringah Voluntary Planning Agreement Policy was the applicable policy for consideration of VPA offers. During the preparation/review of the VPA offer, the Developer was advised to consider the draft Northern Beaches Voluntary Planning Agreement Policy (the “VPA”) when it was exhibited (being 26 October to 24 November 2019).

The VPA Policy adopted on 17 December 2019, guides Council’s assessment and management of planning agreements.

### **VPA OFFER**

The VPA offer includes:

- Construction of new road surface and retaining walls on land adjoining Bellara Avenue to incorporate a three-point turn bay.
- Dedicate to Council, 101.4m<sup>2</sup> of land adjoining Bellara Avenue that will contain a three-point turn bay. The dedication of the land would allow for a three-point turn bay for public use.

### **ASSESSMENT OF THE VPA OFFER**

The eastern end of Bellara Avenue, North Narrabeen terminates at a dead end with no formalised vehicle turning facility. The lack of a formalised turning facility creates difficulties for drivers of vehicles using this street as, in order to turn around, they are required to use private driveways or undertake multiple turning movements in the street. This can create safety issues for pedestrians and other users of this street.

Council’s Manager Transport Network has advised that the opportunity to improve the safety of the road environment has been considered as part of the VPA assessment process, and that the VPA offer will assist service, delivery and general visitors to all properties in Bellara Avenue. The design of the turning area allows for an improvement to the current ability of a vehicle to perform a turning manoeuvre at the eastern end of the existing road carriageway that does not presently exist.

An assessment of the draft VPA has been completed in accordance with the VPA Policy. The assessment was limited to those matters proposed under the draft VPA being the construction of the turning head and land dedication. It is considered that:

- A VPA is the appropriate mechanism to facilitate the construction of a three-point turn bay and dedication of land to Council.

- The draft VPA meets the requirements of the *Environmental Planning & Assessment Act 1979* and the *Environmental Planning & Assessment Act Regulation 2000*.
- The draft VPA is in the public interest.
- Consultation and assessment of the draft VPA, to the extent reasonably practicable, is separate from the consideration of the planning merits of the DA.
- There are no circumstances that preclude Council from entering into the VPA.

The Development Contributions Working Group recommended in-principle support for the VPA offer. The Development Contributions Committee, at its meeting of 15 October 2019, having considered the Working Group's assessment of the VPA offer and recommendation, agreed to, inter-alia:

- A. *Support the offer to enter into a Voluntary Planning Agreement subject to:*
- a. *The construction of the turn bay and retaining wall being completed as part of the subject development at 66 Powderworks Road and 31 Bellara Avenue.*
  - b. *Timing of transfer of the infrastructure (the turn bay and land upon which the turn bay is contained) to Council.*
  - c. *The land being transferred to Council is free of any other private structures.*
  - d. *A valuation of the land that is being transferred to Council is undertaken by the developer (at no cost to Council).*
- B. *Request the Developer be advised of the decision in recommendation A above, and that Council, via the Responsible Officer being the Executive Manager Development Assessment, be instructed to commence negotiations with the Developer to ensure that the Draft Voluntary Planning is prepared to effect the following terms:*
- a. *The turn bay is designed and constructed in accordance with Council's Engineering Standards including inspections of this infrastructure by Council.*
  - b. *Any retaining walls required by the subject development will be on privately owned land.*
  - c. *No private assets are to be on the land to be dedicated to Council, such as stairs and retaining walls.*
  - d. *The turn bay and retaining walls are to be completed prior to the issue of the Subdivision Certificate.*
  - e. *The Developer is to provide an unconditional bank guarantee to the value of the proposed works plus a 5% contingency to cover any defects or maintenance required within 12 months from the date of dedication to Council.*
  - f. *The Voluntary Planning Agreement must not exclude the payment of development contributions.*
  - g. *A valuation of the land to be dedicated to Council is to be prepared by the Developer at no cost to Council.*
  - h. *Preparation of the Voluntary Planning Agreement is at no cost to Council.*
- C. *Request the draft Voluntary Planning Agreement, being updated to account for the terms identified in recommendation B above, be circulated electronically to the Development Contributions Committee for comment.*

*The draft Voluntary Planning Agreement as updated will then be reported to Council for its consideration.*

The recommended amendments were made to the satisfaction of the Development Contributions Committee and the VPA was subject to a legal review by Legal Counsel.

### **Traffic Assessment**

In relation to the design and construction of the proposed turning area, Councils Manager Transport Network advised:

*'The proposed turning head included in the VPA proposal is not expressly excluded by the planning controls and whilst is not in the typical design for a 'greenfield' style subdivision, it has been assessed on the merits of the public benefit it provides to the community....*

*The design has been assessed by both the traffic engineers and development engineers, whom are in agreement that the current design meets the general needs of the site without being an onerous impose on the subject site as well as not impacting on other adjoining properties that would be unfairly impacted by a typical turning design.*

*It is acknowledged that some minor adjustment may be required to kerb and gutter and other infrastructure in the existing road reserve to improve on the proposed design, however this can be achieved at the Roads Act approval stage under a section 138 approval. Additional stormwater design approval will be required at this stage also to ensure satisfactory operation of the structure.*

*The test of community benefit was applied to the design and it was determined that the design will result in an improvement of the situation from a safety and function perspective'.*

### **Tree Removal Assessment**

Four trees located in the turn bay footprint will require removal. These four trees (numbered in accordance with the report Tree Protection Plan including New Driveway Impact Assessment by Urban Forestry Australia Sept 2019) include:

- Tree 35 – Broad Leaved White Mahogany – high retention value
- Tree 36 – Smooth Bark Apple – medium retention value
- Tree 37 – Cheese Tree – medium retention value
- Tree 39 – Black Sheoak – low retention value.

Council's Senior Landscape Architect has considered the proposed tree removal and in the circumstances of this application has confirmed that there are 'no issues raised' with the proposed tree removal.

It is noted that additional trees are proposed for removal to accommodate a driveway; and if a further development application is lodged, a new dwelling. The removal of these additional trees is not relevant to the VPA.

### **Land and Environment Court Case**

The deemed refusal of the DA is the subject of Class 1 proceedings in the Land and Environment Court.

The purpose of the VPA is to allow the dedication of land to Council for a road reserve. The VPA offer has been made following a section 34 conciliation conference in the proceedings.

The applicant has recently filed amended plans which have been the subject of public notification. Council has filed and served an Amended Statement of Facts and Contentions in response to those plans.

Council's outstanding issues are that the applicant has not demonstrated satisfactory arrangements for the ownership and maintenance of the proposed three point turning bay. The Developer has proposed the VPA to seek to address issues in the proceedings.

The matter is listed for hearing before the LEC on 4 and 5 June 2020.

## CONSULTATION

The draft VPA and Explanatory Note were publicly exhibited from 29 February 2020 to 29 March 2020 in accordance with Council's resolution of 25 February 2020 and the provisions of the Environmental Planning & Assessment Regulation 2000. The following supporting documents provided by the Developer were also placed on public exhibition:

- VPA Offer
- Plan of Subdivision
- Engineering Plan
- Stormwater Plan
- Arboricultural Opinion May 2019
- Arboricultural Opinion July 2019
- Arborist Report September 2019
- Swept Path Plan (B99 Vehicle)
- Swept Path Plan (Medium Rigid Vehicle).

The following additional documents were also included in the exhibition package for reference only:

- Northern Beaches Council Voluntary Planning Agreement Policy (December 2019)
- Northern Beaches Council Voluntary Planning Agreement Guideline (December 2019)
- Local Government Design and Construction Specification (AUS SPEC-1) (November 2000).

## Outcomes of Exhibition

During the exhibition period 258 people viewed the Have Your Say page on Council's website and six submissions were received (five against and one in support). The issues raised in these submissions are addressed in the Response to Submissions Table contained at Attachment 1.

The main concerns raised in the submissions relate to the design of the three-point turn bay and merit issues connected to the DA. Assessment of the VPA is limited to the matters proposed by the VPA.

## Post-Exhibition Changes

Following a legal review of the exhibited draft VPA, several minor post-exhibition changes to the exhibited VPA of a typographical and clarification nature, which are agreed by the Developer, are proposed. These are set out in Attachment 2. The changes include a new notation to the plan prepared by CMS Surveyors which is at Schedule 3 to the draft VPA which states "It is intended to transfer 102.4m<sup>2</sup> of land to Council for public road".

The materiality of the proposed changes has been considered and, in the Reporting Managers opinion, the changes are not considered to be material. Subject to incorporating these post-exhibition changes, it is recommended that Council support the amended draft VPA.

### **TIMING**

Section 7.7(3) of the Environmental Planning and Assessment Act allows a consent authority to require a planning agreement to be entered into as a condition of a development consent, but only if it requires a planning agreement that is in the terms of an offer made by the Developer in connection with a DA.

Subject to Council support of the amended draft VPA and the developer's reliance on the amended draft VPA, it is envisaged that the Developer will be required to enter into the VPA as a condition of consent if the LEC grants development consent to the DA on the basis that the VPA be entered into. It is recommended that Council delegate authority to the Chief Executive Officer to execute the VPA on Council's behalf.

The VPA provides that the Developer is to register the VPA on the subject land. A VPA that has been registered on title is binding on the owner of the land from time to time.

If the VPA is not endorsed by Council, the VPA could not be relied on by the Developer in the proceedings to address Council's contentions.

### **LINK TO STRATEGY**

This report relates to the following Community Strategic Plan Outcomes:

- Transport, Infrastructure and Connectivity Goal 16 – Our integrated transport network meets the needs of our community.
- Governance Goal 19 - Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Partnerships and Participation Goal 22 – Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

### **FINANCIAL CONSIDERATIONS**

All planning agreements must state the relationship to other development contributions including section 7.11 (formerly section 94) and section 7.12 (formerly section 94A) of the *Environmental Planning and Assessment Act 1979*. This draft Planning Agreement does not exclude the application of section 7.11 or section 7.12 contributions applicable to the site. As such, standard development contributions will apply to this development if approved by the Land and Environment Court.

A valuation of the cost of constructing the turn bay and the land to be transferred to Council were obtained. The valuations were considered in the review of the public benefit offer. The construction of the three-point turn bay and the dedication of land will be at no cost to Council.

### **SOCIAL CONSIDERATIONS**

The VPA seeks to construct a three-point turn bay on land that will, in turn, be dedicated to Council for public use. This will provide a public benefit which will facilitate the safe turning of vehicles on Bellara Avenue.

### **ENVIRONMENTAL CONSIDERATIONS**

The construction of a three-point turn bay and the dedication of this land allows vehicles to safely complete a turn in Bellara Avenue and enter the local road network.

This new infrastructure requires the removal of four existing trees, which cannot be avoided due to the configuration and location of the turn bay and are supported by Council's Senior Landscape Architect. Nonetheless, this infrastructure provides appropriate management of stormwater and improved efficiency in the existing road condition that, in turn, facilitates orderly development of the adjacent properties.

### **GOVERNANCE AND RISK CONSIDERATIONS**

An assessment of the VPA has occurred in accordance with the Northern Beaches Council Voluntary Planning Agreement Policy. The public benefit proposed in the VPA will allow vehicles travelling on Bellara Avenue to safely complete a U-turn within Council's local road network. This will remove any associated risk to accessing private land.



<b>ITEM 12.2</b>	<b>AMENDMENTS TO NORTHERN BEACHES COMMUNITY PARTICIPATION PLAN (PLAN MAKING AND DEVELOPMENT ASSESSMENT)</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC &amp; PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2020/249479</b>
<b>ATTACHMENTS</b>	<b>1 ⇒ Amendments to Northern Beaches Community Participation Plan (Plan Making and Development Assessment) (Included In Attachments Booklet)</b>

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## SUMMARY

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### PURPOSE

To update the Northern Beaches Community Participation Plan in line with legislative changes and to include some other minor changes following the six month administrative review of the operation of the Plan.

### EXECUTIVE SUMMARY

The Northern Beaches Community Consultation Plan (CPP) was adopted by Council on 26 November 2019 and came into force on 1 December 2019. The CPP is a mandatory document required under the Environmental Planning and Assessment Act 1979 (the Act) and specifies the consultation requirements for Council's Plan Making and Development Assessment functions.

On 17 April 2020, the Environmental Planning and Assessment Amendment (Public Exhibition) Regulation 2020 (the Regulation) was published. The Regulation removed the requirement for public notices to be published in local newspapers. This change was introduced following the decision to cease publication of several local newspapers including the Manly Daily. Public notices are now required to be published on Council's website. The CPP has been amended to reflect this change.

An administrative review of the CPP has also been undertaken. Minor amendments are proposed which seek to clarify the operational requirements for notification of development applications. This includes providing further information to explain the circumstances when signage applications will not be exhibited and to provide clarification on the occasions that modification applications and amended development applications do not require exhibition. These amendments have been suggested following the operation of the CPP over the past six months.

Overall, the amendments do not require public exhibition as they reflect recent changes in legislation and provide further information in order to clarify the intent of existing requirements of the CPP.

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### RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council adopt amendments to the Northern Beaches Community Participation Plan (Plan Making and Development Assessment).

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**REPORT**

**BACKGROUND**

The Northern Beaches Community Consultation Plan (CPP) was adopted by Council on 26 November 2019 and came into force on 1 December 2019. The CPP is a mandatory document required under the Environmental Planning and Assessment Act 1979 (the Act) and specifies the consultation requirements in Council's Plan Making and Development Assessment functions.

In response to recent widespread changes to the distribution of local newspapers from print to digital editions, the Environmental Planning and Assessment Amendment (Public Exhibition) Regulation 2020 (the Regulation) was published on 17 April 2020 to replace the requirement for the publishing of notices and documents from local newspapers to Council's website. The CPP has been amended to reflect this change.

**Proposed amendments to the CPP**

**1) Updates to references regarding local newspapers to Council's website**

In line with legislative changes, references contained in the CPP which refer to the use of local newspapers have been replaced with the use of Council's website (see Table 1).

Note:

Changes are indicated as:

- ~~Strike through~~ is deleted text
- *Italics and underlined* is added text

Table 1: Updates to references regarding local newspapers to Council's website

Page	Section	Proposed amendment
7	Table 2 Community participation approach - Inform	Online Application Tracker tool; <del>newspaper notices</del> , media releases, council website, Your Say website, information sessions, discussion papers and technical reports.
7	Table 2 Community participation approach - Consult	Public exhibition, drop-in sessions, online surveys, meetings, <del>newspaper notices</del> , council website, Your Say.
7	Table 2 Community participation approach - Determinations	Online updates, letters to submitters, post exhibition reports, determination notices and notices of decisions <del>in newspapers</del> <i>on Council's website.</i>
12	Community Participation Methods – Plan Making	How is a strategic planning document exhibited? Planning Proposals: <del>• Notification in a local newspaper.</del>
13	Community Participation Methods – Plan Making	Where a Planning Proposal is not site specific but instead applies to an entire zone, or involves changes to a clause in a Local Environmental Plan (that may apply to many properties), notification will include the following: <del>• Notification in a local newspaper.</del>
13	Community Participation	The exhibition will include:

Page	Section	Proposed amendment
	Methods – Plan Making	<del>• Notification in a local newspaper.</del>
15	Development Assessment	<p>Development Assessment</p> <p>How is a development application exhibited?</p> <p>Northern Beaches will inform the community of the exhibition of development applications in following three ways:</p> <p>2. Advertised development: sending exhibition letters to adjoining property owners and occupiers across a street or road from the subject site (refer to Figure 2) plus the placement of a site notice on the main frontage of the development site and the placement of a notice <del>in a local newspaper</del> <i>on Council's website.</i></p>

## 2) Updates resulting from the sixth month operational review of CPP

Minor amendments to the CPP are proposed to queries that have arisen in the implementation of the CPP since its commencement in December 2019 (refer to Table 2). The proposed amendments do not change the provisions or intent of the CPP, but rather provide further clarity on the application of the provisions.

The amendments seek to:

- i. Clarify when signage applications will be exhibited
- ii. Clarify the types of modification applications and amended plans that do not require exhibition.

### Note:

Changes are indicated as:

- ~~Strike-through~~ is deleted text
- *Italics and underlined* is added text

Table 2: Updates resulting from the sixth month operational review of CPP

Page	Section	Proposed amendment	Reason
11	Circumstances where DA exhibition is not required	<p>Some minor development is of a scale and nature that does not require exhibition. DAs where there will be no public exhibition include:</p> <ul style="list-style-type: none"> <li>• internal fit-outs of commercial and industrial uses (unless adjoining residential zoned land)</li> <li>• change of use in commercial and industrial zones (unless adjoining residential zoned land)</li> <li>• erection of signs in commercial and industrial zoned land <i>(unless</i></li> </ul>	<p>Signage</p> <p>To make it clear that signage on industrial and commercial zoned land does not require public exhibition, unless it adjoins residential zoned land.</p> <p>Modifications</p> <p>To make it clear that modification applications are not exhibited where the application seeks to correct a minor error, misdescription, miscalculation (section 4.55(1) applications) or</p>

Page	Section	Proposed amendment	Reason
		<p><i>adjoining residential zoned land</i>)</p> <ul style="list-style-type: none"> <li>• internal alterations to an existing dwelling house (not a heritage item) with no external changes</li> <li>• strata subdivision</li> <li>• subdivisions to adjust property boundaries where no additional lots are created</li> <li>• modification of consent <del>where there is minimal environmental impact</del> <i>to correct a minor error, misdescription, miscalculation (e.g. section 4.55(1) applications); or where, in the opinion of Council, such changes would not unreasonably cause an environmental impact, or which result in a lesser or reduction of, environmental impacts (e.g. section 4.55(1A) applications</i></li> </ul> <p><i>amended applications (received during the DA process) where in the opinion of Council, such changes would result in a lesser or reduction of environmental impacts.</i></p>	<p>where, in the opinion of Council, such changes would not unreasonably cause an environmental amenity impact, or which result in a lesser or reduction of environmental impacts (e.g. Section 4.55(1A) applications).</p> <p>Amended applications (received during DA process)</p> <p>To make it clear that amended plans are not exhibited where, in the opinion of Council, such changes would result in a lesser or reduction of environmental impacts.</p>

## CONSULTATION

The amendments do not require public exhibition as they reflect recent changes in legislation and provide further information in order to clarify the intent of the CPP requirements.

## TIMING

The changes will take effect once uploaded on Council's website and submitted to the NSW Planning Portal.

## LINK TO STRATEGY

The proposed amendments relate to the Community Strategic Plan outcomes of:

- Good Governance - Goal 19(a): Demonstrate a high standard of transparency and accountability through community involvement and strong, timely reporting practices.
- Partnership and Participation - Goal 21(c): Undertake innovative and adaptive community engagement.
- Partnership and Participation - Goal 21(d): Improve community understanding of how decisions are made for the local area.

**FINANCIAL CONSIDERATIONS**

The proposed amendments will deliver savings as a result of no longer purchasing column space within the local newspaper. This is expected to save Council approximately \$140,000 annually.

**SOCIAL CONSIDERATIONS**

Council recognises that communication with the community is a critical function that underpins understanding and awareness of the decisions of Council and importantly how Council is delivering on the Community Strategic Plan outcomes and goals. The proposed amendments seek to clarify the intent of the requirements to ensure that communication between Council is clear, concise and meets legislative requirements as the community is core to our plan making and development assessment functions.

**ENVIRONMENTAL CONSIDERATIONS**

There are no environmental impacts to consider arising from the proposed amendments to the CPP, however, there are environmental benefits arising from no printed newspaper material.

**GOVERNANCE AND RISK CONSIDERATIONS**

Ensuring a robust, complete and up to date policy environment is key to Council's governance framework. There are no increased risks to the organisation arising from the proposed amendments.

<b>ITEM 12.3</b>	<b>VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER DEVELOPMENT ASSESSMENT</b>
<b>TRIM FILE REF</b>	<b>2020/213229</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**SUMMARY**

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**PURPOSE**

To report to Council the variations to development standards granted under Clause 4.6 of the Manly Local Environmental Plan (MLEP 2013), Pittwater Local Environmental Plan (PLEP 2014) and Warringah Local Environmental Plan (WLEP 2011), as required by the NSW Department of Planning, Industry and Environment.

**EXECUTIVE SUMMARY**

During the period 1 January 2020 to 31 March 2020, the following variations were granted:

- 9 variations under Clause 4.6 of Pittwater Local Environmental Plan 2014.
- 16 variations under Clause 4.6 of Manly Local Environmental Plan 2013.
- 7 variations under Clause 4.6 of Warringah Local Environmental Plan 2011.

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**RECOMMENDATION OF DIRECTOR PLANNING AND PLACE**

That Council note the Development Applications approved with variations to development standards during the period of 1 January 2020 to 31 March 2020.

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**REPORT**

**BACKGROUND**

The following tables show all variations to development standards approved during the period 1 January 2020 to 31 March 2020 for each of the LEPs in the Northern Beaches LGA and whether the determination was made by staff under delegated authority or a determination panel. Northern Beaches Council has two external panels, being the Northern Beaches Local Planning Panel (NBLPP) and the Sydney North Planning Panel (SNPP). The internal determination panel is known as the Development Determination Panel (DDP).

**Clause 4.6 Variations Granted under the Pittwater LEP2014**

The following applications had a Clause 4.6 variation granted during the period of 1 January 2020 to 31 March 2020.

App. No.	Address	Category of Development	Clause 4.6 Development Standard	Variation, Control & Approval Details	Determined by
DA2019/1497	10 Nooal Street NEWPORT NSW 2106	Residential - Alterations and additions	4.3 Height of buildings	Variation: 8% Control: 8.5m Approved: 9.2m	Delegated Authority
DA2019/1308	11 Elouera Road AVALON BEACH NSW 2107	Residential - Alterations and additions	4.3 Height of buildings	Variation: 9.05% Control: 8.5m Approved: 9.27m	Delegated Authority
DA2019/1192	118 Prince Alfred Parade NEWPORT NSW 2106	Residential - Alterations and additions	4.3 Height of buildings	Variation: 30.50% Control: 8.5m Approved: 11.1m	DDP
DA2019/1493	163 Riverview Road AVALON BEACH NSW 2107	Residential - Other	4.3 Height of buildings	Variation: 31.25% Control: 4m Approved: 5.25m	NBLPP
DA2019/1477	17 Sturdee Lane ELVINA BAY NSW 2105	Residential - Alterations and additions	4.3 Height of buildings	Variation: 25.75% Control: 4m Approved: 5.03m	NBLPP
DA2019/0748	19 Bungan Street MONA VALE NSW 2103	Mixed	4.3 Height of buildings	Variation: 15% Control: 13m Approved: 13m- 15m	NBLPP
DA2019/1222	36 Allington Crescent ELANORA HEIGHTS NSW 2101	Residential - Alterations and additions	4.3 Height of buildings	Variation: 7% Control: 8.5m Approved: 9.1m	Delegated Authority
DA2019/1215	39 The Serpentine BILGOLA BEACH NSW 2107	Residential - Single new detached dwelling	4.3 Height of buildings	Variation: 6.80% Control: 8.0m Approved: 8.55m	Delegated Authority

DA2019/1275	67 Florence Terrace SCOTLAND ISLAND NSW 2105	Residential - Alterations and additions	4.3 Height of buildings	Variation: 29.50% Control: 4.0m Approved: 5.18m	NBLPP
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**Clause 4.6 Variations Granted under the MLEP2013**

The following applications had a Clause 4.6 variation granted during the period of 1 January 2020 to 31 March 2020.

App. No.	Address	Category of Development	Clause 4.6 Development Standard	Variation, Control & Approval Details	Determined by
DA2019/1393	1 / 17 Francis Street FAIRLIGHT NSW 2094	Residential - Alterations and additions	4.3 Height of buildings  4.4 Floor space ratio	Variation: 16.82% Control: 8.5m Approved: 9.93m  Variation: 10% Control: 0:6:1 Approved: 0.66:1 (515.34sqm)	NBLPP
DA2020/0037	1 / 31 Fairlight Street FAIRLIGHT NSW 2094	Residential - Alterations and additions	4.3 Height of buildings	Variation: 12.90% Control: 8.5m Approved: 9.6m	Delegated Authority
DA2019/1310	107 Griffiths Street BALGOWLAH NSW 2093	Residential - Other	4.1 Minimum subdivision lot size	Variation: Lot 1 - 1.10% Lot 2 - 1.10%  Control: 250 sqm Approved: Lot 1: 247.2 sqm Lot 2: 247.2 sqm	Delegated Authority
DA2019/1139	19 Manly Road SEAFORTH NSW 2092	Residential - Alterations and additions	4.4 Floor space ratio	Variation: 13.10% Control: 0.4:1 Approved: 0.45:1 (283.4sqm)	DDP
DA2019/1311	20 Curban Street BALGOWLAH HEIGHTS NSW 2093	Residential - Alterations and additions	4.4 Floor space ratio	Variation: 2.20% Control: 0.45:1 Approved: 0.46:1 (292.6sqm)	Delegated Authority
DA2019/1317	26 West Street BALGOWLAH NSW 2093	Residential - Alterations and additions	4.3 Height of buildings	Variation: 60% Control: 8.5m Approved: 13.6m	DDP
DA2019/0645	26 Whistler Street MANLY NSW 2095	Residential - New multi- unit	4.3 Height of buildings  4.4 Floor space ratio	Variation: 18.8% Control: 25m Approved: 29.71m  Variation: 39.94% Control: 3:1 Approved: 4:2:1 (4.190sqm)	NBLPP
DA2019/0916	32 Bower Street MANLY NSW 2095	Residential - Single new detached dwelling	4.3 Height of buildings	Variation: 28.1% Control: 8.5m Approved: 10.89m	DDP



DA2019/1056	35 Fairlight Crescent FAIRLIGHT NSW 2094	Residential - Alterations and additions	4.3 Height of buildings	Variation: 50.50% Control: 8.5m Approved: 12.8m	NBLPP
DA2019/1273	46 C White Street BALGOWLAH NSW 2093	Residential - Alterations and additions	4.4 Floor space ratio	Variation: 17% Control: 0.5:1 Approved: 0.59:1 (535.3 sqm)	NBLPP
DA2019/1092	64 Fairlight Street FAIRLIGHT NSW 2094	Residential - Alterations and additions	4.3 Height of buildings  4.4 Floor space ratio	Variation: 12.9% Control: 8.5m Approved: 9.6m  Variation: 16.6% Control: 0.6:1 Approved: 0.71:1 (167.2sqm)	DDP
DA2019/1321	72 Pittwater Road MANLY NSW 2095	Residential - Alterations and additions	4.4 Floor space ratio	Variation: 46.7% Control: 0.6:1 Approved: 0.88:1 (161.92 sqm)	DDP

#### Clause 4.6 Variations Granted under the Warringah LEP2011

The following applications had a Clause 4.6 variation granted during the period of 1 January 2020 to 31 March 2020.

App. No.	Address	Category of Development	Clause 4.6 Development Standard	Variation, Control & Approval Details	Determined by
DA2019/1469	10 Aitken Avenue QUEENSCLIFF NSW 2096	Residential - Alterations and additions	4.3 Height of buildings	Variation: 7.16% Control: 8.5m Approved: 9.1m	Delegated Authority
DA2019/1385	10 Lincoln Avenue COLLARROY NSW 2097	Residential - Alterations and additions	4.3 Height of buildings	Variation: 8.20% Control: 8.5m Approved: 9.2m	Delegated Authority
DA2019/1363	24 A Hay Street COLLARROY NSW 2097	Residential - Alterations and additions	4.3 Height of buildings	Variation: 19.50% Control: 8.5m Approved: 10.16m	DDP
DA2019/1297	4 Cornwell Road ALLAMBIE HEIGHTS NSW 2100	Residential - Single new detached dwelling	4.3 Height of buildings	Variation: 2% Control: 8.5m Approved: 8.7m	Delegated Authority
DA2019/1122	50 Conover Street NORTH BALGOWLAH NSW 2093	Residential - Alterations and additions	4.3 Height of buildings	Variation: 4.70% Control: 8.5m Approved: 8.9m	Delegated Authority
DA2019/1407	54 Towradgi Street NARRAWEEN NSW 2099	Residential - Single new detached dwelling	4.3 Height of buildings	Variation: 5.90% Control: 8.5m Approved: 9.0m	Delegated Authority

DA2019/1472	83 Wyuna Avenue FRESHWATE R NSW 2096	Residential - Single new detached dwelling	4.3 Height of buildings	Variation: 1% Control: 8.5m Approved: 8.65m	Delegated Authority
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## CONSULTATION

Variations to development standards lodged as part of a Development Application are made available to the community for comment on Council's Application Search, during the prescribed exhibition period.

## TIMING

Not applicable.

## LINK TO STRATEGY

This report relates to the outcome in the Community Strategic Plan:

- Environmental Sustainability: Goal 5 - Our built environment is developed in line with best practice sustainability principles. Strategy (a): "ensure integrated land use planning balances the environmental, social and economic needs of present and future generations".

## FINANCIAL CONSIDERATIONS

The costs associated with the assessment of variations are part of the Development Application assessment process.

## SOCIAL CONSIDERATIONS

All Development Applications are required to consider the social impact through Section 4.15 of the Environmental Planning and Assessment Act 1979.

## ENVIRONMENTAL CONSIDERATIONS

Reporting variations to Council satisfies NSW Department of Planning, Industry and Environment requirements and provides transparency in decision making, in addition to publishing this information on Council's website, reducing the risk to the organisation.

## GOVERNANCE AND RISK CONSIDERATIONS

Reporting variations to Council satisfies NSW Department of Planning, Industry and Environment requirements and provides transparency in decision making, in addition to publishing this information on Council's website, reducing the risk to the organisation.

## 14.0 WORKFORCE AND TECHNOLOGY DIVISION REPORTS

<b>ITEM 14.1</b>	<b>STRONGER COMMUNITIES FUND AND NEW COUNCIL IMPLEMENTATION FUND - QUARTERLY REPORT</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGY AND PERFORMANCE</b>
<b>TRIM FILE REF</b>	<b>2020/233380</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### SUMMARY

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#### PURPOSE

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

#### EXECUTIVE SUMMARY

Council received \$36.1 million from the NSW Government's Stronger Communities Fund (SCF) to provide funding to kick-start the delivery of improved infrastructure and services to the community. The SCF funding has been broken into streams including \$1 million for a Community Grants Program, \$14 million into the Connecting Communities Program and a further allocation of \$21.1 million of tied funding across 11 projects.

An additional \$10 million was provided to Council under the New Council Implementation Fund (NCIF) to assist with the upfront costs of implementing the new council.

A summary of the program of work and expenditure to 31 March 2020 is below:

<b>Program</b>	<b>Funding</b>	<b>Expenditure to 31 March 2020</b>
Community Grants Program (SCF)	\$1,000,000	\$1,025,599 <sup>1</sup>
Connecting Communities Program (SCF)	\$14,000,000	\$13,379,624
Tied Grants Program (SCF)	\$21,100,000	\$5,209,816
NCIF	\$10,000,000	\$9,695,044
<b>Total</b>	<b>\$46,100,000</b>	<b>\$29,310,083</b>

<sup>1</sup>The additional \$25,599 on the Community Grants Program is interest earned on the SCF funds

In accordance with the SCF funding agreement, quarterly progress reports to Council are required on the expenditure and outcomes until these funds are spent.

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#### RECOMMENDATION OF DIRECTOR WORKFORCE AND TECHNOLOGY

That Council notes the Stronger Communities Fund and New Council Implementation Fund report for the quarter ending March.

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## REPORT

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### BACKGROUND

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

- Community Grants Program - \$1 million. This program has been completed and acquitted
- Connecting Communities Program - \$14 million
- Tied Grant Program - \$21.1 million.

Under the terms of the funding agreement, quarterly progress reports to Council are required on the expenditure and outcomes until these funds are spent. The reporting has been finalized on the following SCF funded projects:

1. Community Grants Program (final report - September 2019 Quarterly Report).
2. Tied Grants Program - North Pittwater foreshore improvements projects (final report - September 2019 Quarterly Report):
  - Hudson Parade, Clareville - footpath between Clareville Beach and Taylors Point
  - George Street, Avalon - extended the seawall
  - South Palm Beach - landscaping works.
3. Connecting Northern Beaches – Cycle ways and Shared Paths (final report - December 2019 Quarterly Report).

### Connecting Communities Program - \$14 million From SCF

The Connecting Communities Program is a \$32.6 million multi-year program of works partially funded by SCF (\$14 million). It comprises:

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

### Connecting the Northern Beaches – Coast Walk

Construction of the Coast Walk is well advanced with 5.9kms delivered since the program commenced. Below is the status of the work this quarter on the Coast Walk:

- Upgrade to Bilgola Beach foreshore and the pedestrian link through the carpark is complete.
- Concept design for Governor Phillip Park to Palm Beach Pavilion is complete and ready for public consultation.

- Whale Beach Road stage 1 concept design has been finalised and the planned public consultation is on hold due to COVID-19 restrictions.
- Consultation continuing for the Newport to Avalon pedestrian link.

### **Connecting All Through Play - Inclusive Play**

Below is the status of work this quarter on Inclusive Play projects:

- Construction of Manly Dam Playground is progressing well.
- Procurement of Clontarf accessible playground to commence shortly.

### **Connecting All Through Play - Active Play**

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

- Consultation is underway for lighting at Passmore Reserve and John Fisher Park Sportsfields.
- Works are ongoing for the Lionel Watts West Sporting Amenities.

Below is the status of work this quarter on Surf Life Saving Clubs (SLSC):

- Mona Vale SLSC - tender documents have been complete and are in the final review stages before advertisement. The tender for the Surf Club and beach amenities are combined as a single project. It is anticipated that the tender process will take place during May and be reported to Council in July 2020 with works commencing in the second quarter of the financial year.
- Long Reef SLSC - the Sydney North Planning Panel at its meeting on 22 April 2020 will consider the development application for the works. Council is awaiting the outcomes of the meeting. The Expression of Interest for construction contractors has now closed and the submissions are being evaluated.

### **Tied Grants Program - \$21.1 Million**

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

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

An extension request was sent to the Office of Local Government seeking an extension of time to complete the Wakehurst Parkway flood Mitigation project. An extension was granted to September 2022 that encompassed all of the remaining Tied Grant projects.

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

Progress on the remaining eight projects is below.

### **Wakehurst Parkway Flood Mitigation**

Council has been investigating options to reduce the smaller but more frequent floods on Wakehurst Parkway. During these investigations it became apparent that to provide meaningful flood immunity on the roadway, more expansive works and corresponding funding would be required. The necessary funding will exceed that available under the Stronger Communities Fund. In November 2019, Council Executives met with representatives from Transport for NSW and the Minister for Transport to explain the potential benefits of an expanded program of work. A formal request for additional funding was made in December. Council is awaiting a response, the outcome of which will inform the next stages of the project.

### **Mona Vale Public School: Regional Performing Arts Centre**

1. Discussion with the Department of Education is ongoing. The Department of Education is undertaking a review of the schools projected student numbers and scoping the project.

### **2. Mona Vale Surf Life Saving Club refurbishment**

Tender documents are complete and in the final review stages before advertisement. The tender for the Surf Club and beach amenities are combined as a single project. It is anticipated that the tender process will take place during May and be reported to Council in July 2020 with works commencing in the second quarter of the financial year.

### **Long Reef Surf Life Saving Club refurbishment**

The Sydney North Planning Panel at its meeting on 22 April 2020 will consider the development application for the works. Council is awaiting the outcomes of the meeting. The Expression of Interest for construction contractors has now closed and the submissions are being evaluated.

### **Currawong Beach Heritage: refurbishment and upgrade of existing infrastructure**

Work is underway to refurbish three cabins and the games room and construct a new pathway and retaining wall. Works commenced in February 2020 and are expected to be completed by November 2020, ready for the summer holiday period.

### **Scotland Island Wastewater Feasibility Study**

This study is assessing the feasibility of providing a reticulated water and/or wastewater service to Scotland Island. The high-level review of social and environmental factors and options assessment is complete. The options assessment process and the preferred options were discussed with and endorsed by the Community Working Group. A risk assessment is complete and the cost-benefit analysis is undergoing some minor revisions; these documents together comprise the commercial feasibility assessment. This is the final step of the project. Professional peer review of the project is complete, and a letter of recommendation will be provided shortly.

### **Northern Pittwater Permanent Netball Courts**

Work has been delayed on the Avalon Netball Courts due to revisions required to the detailed design. It is expected that work will now commence in May 2020 pending the successful appointment of a contractor.

### **Newport Surf Club Refurbishment**

The appointed Coastal Engineer sought feedback from all stakeholders on a range of options from doing nothing to extensive coastal protection works. Feedback is being sought from internal stakeholders. The Heritage planners (including an external expert) have provided 'in principle' approval of the architects' extension to the club building – more detailed plans of finishes are currently being considered.

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

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

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

The NCIF is not to be used for:

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

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

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

- Continued signage rollout.
- Internal website.

### **CONSULTATION**

Consultation on individual projects funded by the SCF is ongoing.

### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

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



## FINANCIAL CONSIDERATIONS

At 31 March 2020, a total of \$26,106,037 has been spent on the Connecting Communities Program, Community Grants Program and Tied Grants of which \$19,615,039 is from the SCF as follows:

Program	Total Expenditure	SCF
Community Grants	\$1,025,599	\$1,025,599
Connecting Communities		
Cycleways	\$7,017,245	\$3,033,254
Pathways	\$5,522,520	\$5,176,232
Inclusive play	\$4,751,258	\$3,170,138
Active Play	\$ 2,273,963	\$2,000,000
Tied Grants	\$5,515,452	\$5,209,816
<b>Total Expenditure</b>	<b>\$26,106,037</b>	<b>\$19,615,039</b>

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

At 31 March 2020, a combined total of \$9,695,044 has been spent on the up-front costs of creating the new council from the NCIF as follows:

Expenditure Category	Total Expenditure
Expert Advice	\$268,393
Systems Integration	\$4,347,436
Redundancy	\$3,169,961
Signage	\$424,499
Website	\$675,251
Change Management	\$601,158
System Upgrades	\$20,563
Other	\$187,780
<b>Total Expenditure</b>	<b>\$9,695,044</b>

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

- Continued signage rollout.
- Internal website.



## **SOCIAL CONSIDERATIONS**

The entire Northern Beaches community will benefit from significant social, health and well-being improvements derived from use of this community infrastructure. It will connect people and places through improved active and public transport links and upgraded community infrastructure, this includes programs implemented by our community groups. The recently completed Barrenjoey Performance Space provides a highly desired community space for the performing arts to nurture and grow within our community.

## **ENVIRONMENTAL CONSIDERATIONS**

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

## **GOVERNANCE AND RISK CONSIDERATIONS**

Funds continue to be expended in line with the commitments previously outlined to the Office of Local Government (OLG). A request to the OLG for an extension of time to complete the remaining projects under the Connecting the Northern Beaches and Connecting All Through Play Programs has been submitted and is awaiting determination. A separate request was granted for an extension of time to complete flood mitigation works at points along the Wakehurst Parkway. The extension to September 2022 encompasses all of the Tied Grant projects.

## 15.0 NOTICES OF MOTION

<b>ITEM 15.1</b>	<b>NOTICE OF MOTION NO 08/2020 - WAKEHURST PARKWAY AND MONA VALE ROAD</b>
<b>TRIM FILE REF</b>	<b>2020/244142</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

*(Originally submitted to the 25 February 2020 Council meeting)*

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### MOTION

That Council:

1. Notes:
  - A. The recent floods again highlighted the serious dangers occasioned by the closure of Wakehurst Parkway and risks on Mona Vale Road in they being the main arterial roads from the former Pittwater Local Government area to the new Northern Beaches Hospital.
  - B. During the campaign to Save Mona Vale Hospital, in response to concerns that residents would not be able to travel to Northern Beaches Hospital in an expeditious way, they were assured major works would be undertaken to overcome safety risks on Wakehurst Parkway as well as Mona Vale Road and that rescue helicopters could also be used.
  - C. Helicopters have been unable to be used during the unprecedented poor air quality as a result of the bush fires and also during storms because of inclement weather.
  - D. That Council and Transport NSW have contributed to a Feasibility Study for Wakehurst Parkway works.
  - E. Works have commenced as part of the Mona Vale Road East Upgrades to increase Mona Vale Road from two lanes to four and that the Chief Executive Officer has recently written to the RMS highlighting the safety risks at lower Mona Vale Road.
  - F. The efforts of Federal Member for Mackellar, Mr Jason Falinski MP with a Petition to widen and flood proof Wakehurst Parkway and his advice that he has spoken with the Federal Minister for Infrastructure, The Hon Alan Tudge MP who indicated funds may be available from the Urban Congestion fund to assist with the progression of works needed to Wakehurst Parkway.
2. Resolves to:
  - A. Call upon the New South Wales and Federal Governments to allocate funding to urgently overcome safety risks and obstructions and commence works on Wakehurst Parkway and expedite works to Mona Vale Road in order to ensure residents can travel to the Northern Beaches Hospital in an expeditious way.
  - B. Acknowledge the efforts of Mr Jason Falinski MP to address the safety risks of Wakehurst Parkway and ensure funding from the Federal Government.

- C. Request the Chief Executive Officer to write to the Premier of NSW, The Hon Gladys Berejiklian MP, the Minister for Roads and Transport, The Hon Andrew Constance MP and the Member for Pittwater, The Hon Dr Rob Stokes MP and the Member for Wakehurst, The Hon Brad Hazzard MP advising of this Resolution.

<b>ITEM 15.2</b>	<b>NOTICE OF MOTION NO 09/2020 - SUPPORT FOR IMPROVING SAFETY AND FLOOD PROOFING WAKEHURST PARKWAY</b>
<b>TRIM FILE REF</b>	<b>2020/244172</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Stuart Sprott

*(Originally submitted to the 25 February 2020 Council meeting)*

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## **MOTION**

That Council:

1. Recognises the poor safety record of head on accidents and frequent flooding of such a vital transport route for the Northern Beaches and supports Jason Falinski the federal Member for Mackellar in his request to improve the safety of the northern end of Wakehurst Parkway and flood proof it.
2. Writes to the federal Member for Mackellar showing Council's support in his request to improve the safety of the northern end of Wakehurst Parkway and flood proof it.
3. Writes to the state member Andrew Constance asking for a business case be done for such a project.
4. Seeks grant funding from state and federal funding to support council's role in the project.

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## **BACKGROUND FROM COUNCILLOR STUART SPROTT**

With two recent, and frequent head on accidents, improving safety along the northern end of Wakehurst parkway should not be delayed any further. The narrow and winding road with high speed bends are dangerous and should be fixed.

We have also all seen the affects of heavy rain on Wakehurst Parkway and how quickly it can flood, cutting off a vital connection to the suburbs of the Northern Beaches.

This link between the suburbs of the north and critical infrastructure like the northern beaches hospital needs to be upgraded to safe guard and support our residents to the north.

<b>ITEM 15.3</b>	<b>NOTICE OF MOTION NO 12/2020 - STAFF ACKNOWLEDGEMENTS DURING FLOOD AND STORM EVENT</b>
<b>TRIM FILE REF</b>	<b>2020/244196</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Stuart Sprott

*(Originally submitted to the 24 March 2020 Council meeting)*

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## **MOTION**

That Council:

1. Acknowledges and thanks the outstanding work from all staff in the recent flood and storm events.
  2. Circulates an email of appreciation to all staff from councillors thanking them in their commitment and efforts in helping making our community safe.
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## **BACKGROUND FROM COUNCILLOR STUART SPROTT**

Throughout the recent storm events our staff have shown an outstanding commitment to their roles and their jobs. Performing well above the requirements they worked tirelessly from one incident to the next, only to be hit by then another.

The preparation and care our staff have provided to our residents and the community shows true commitment to Council's role in building a better community and keeping our residents safe. I believe it is important to thank them and congratulate them on a job well done.

**ITEM 15.4** **NOTICE OF MOTION NO 13/2020 - ADOPTING NON OPPOSED NOTICES OF MOTION BY EXCEPTION**

**TRIM FILE REF** **2020/244081**

**ATTACHMENTS** **1 Proposed Amendments - Draft Code of Meeting Practice (Included In Attachments Booklet)**

Submitted by: Councillor Vincent De Luca OAM

*(Originally submitted to the 24 March 2020 Council meeting)*

**MOTION**

That:

1. In order to effect the collective adoption of notices of motion submitted by Councillors with no debate, where they are unopposed by all Councillors as presented in the business papers and to recognise each individual mover and seconder of a notice of motion, Council places the following amendments and additions to the draft Northern Beaches Council Code of Meeting Practice on public exhibition for a minimum of 28 days:

*[Amended] clause 14.1: The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together. **by way of a single resolution.***

*[New clause 14.[2\*]: **Notices of motion submitted by councillors in accordance with clause 4.11 may, at any time, be resolved together and will require a mover (as required by clause 11.2) and a seconder for each notice of motion.***

*[Amended] clause 14.2 [14.3\*- changed numbering] Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 14.1, the chairperson must list the items of business to be adopted and ask councillors to identify any of the individual items of business listed by the chairperson that they intend to vote against the recommendation or notice of motion made in the business paper or that they wish to speak on.*

*[Amended] clause 14.3 [14.4\*- changed numbering] The council or committee must not resolve to adopt any item of business under clause 14.1 that a councillor has identified as being one they intend to vote against, or speak on, the recommendation or notice of motion made in the business.*

2. The outcome of the public exhibition be reported to Council.

**BACKGROUND FROM COUNCILLOR VINCENT DE LUCA OAM**

The last three meetings of Council (November 2019, December 2019 and February 2020) have closed with the business of Council remaining unfinished and carried over to the next meeting. As the notices of motion are often some of the last items dealt with during the meeting according to the Code of Meeting Practice order of business (clause 9.1), it has regrettably been the business councillors have put forward which has been deferred at each of these last three meetings. When councillors put forward business representing the interests of the community or to progress important considerations for the Council, we do so with the expectation that we will be able to assist our community and the organisation in a timely manner at the next Council meeting.

The NSW Legislative Council has long undertaken the practice, facilitated through its Standing Orders of Business, of dealing with formal motions upfront, whereby notices of motion to which there are no objections are put without debate or amendment and disposed of accordingly.

This motion proposes a similar approach, where notices of motion by exception can be dealt with under 'items resolved by exception' in the Council meeting order of business and therefore will be dealt with upfront at the Council meeting.

This motion puts forward some minor amendments to the Code of Meeting Practice (Attachment 1) which will facilitate the adoption of any notices of motion without debate which are unopposed and to which all councillors have agreed to vote in the affirmative. Importantly, it also facilitates the recognition of a mover and seconder for each notice of motion (as collectively adopted) to ensure the voting still accords with clause 11.2 of the Code of Meeting Practice (i.e. a Councillor is to move the notice of motion that they submit at the meeting).

In accordance with section 361(3) of the Local Government Act 1993 (NSW), if councillors adopt the draft amendments, the Code will be exhibited for a minimum of 28 days to seek public feedback, which must also allow for a public submission of period of 42 days in accordance with section 361(4) of the Act, following which the final Code of Meeting Practice, taking the public comments into account, will then be brought back to Council for adoption.

<b>ITEM 15.5</b>	<b>NOTICE OF MOTION NO 14/2020 - PASSING OF OUTSTANDING VOLUNTEER PEGGY MILLER</b>
<b>TRIM FILE REF</b>	<b>2020/244231</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM; Kylie Ferguson  
(Originally submitted to the 24 March 2020 Council meeting)

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## **MOTION**

That:

1. Council notes:
    - A. With sadness the passing of Mrs Peggy Miller on 19 January 2020 at 103 years of age.
    - B. Mrs Miller was born in the cottage hospital at Manly in 1916.
    - C. After marrying Lloyd, a South Coast Dairy Farmer, they settled for 20 years onto the family property in Gerrigong. They then moved to a wheat sheep and cattle property at Graman in North West NSW. After four years of drought, their finances were depleted, so they moved to Newcastle growing the first green asparagus crop.
    - D. Mrs Miller joined as a Younger Set member the Country Women's Associated at 19 years of age.
    - E. She assisted with the foundation of the Macksville War Widow's Guild Club, joined the patchwork group and made quilts for cancer wards at many hospitals.
    - F. In recent years, she served with distinction in the Manly Branch of the Country Women's Association as well as working with Meals on Wheels, the View Club, and the Anglican Church.
    - G. In honour of Mrs Miller's outstanding service to the Country Women's Association and the wider community she was conferred an award at the Jean Arnot Memorial luncheon and won the Senior NSW Volunteer of the Year Award (Northern Beaches).
  2. This Council:
    - A. Acknowledges and commends the outstanding community service of Mrs Peggy Miller.
    - B. Extends its condolences to her children and their respective partners Carolyn and Cory, Peter and Jill, Stuart and Maree.
    - C. Acknowledges the continued outstanding service of the Manly Branch of the Country Women's Association and associated Northern Beaches division of the Better Care Aged Care Support Service.
    - D. Requests the Chief Executive Officer to forward this resolution to Mrs Miller's family and the Manly and NSW Branches of the Country Women's Association.
-



<b>ITEM 15.6</b>	<b>NOTICE OF MOTION NO 15/2020 - SOLAR FARM</b>
<b>TRIM FILE REF</b>	<b>2020/244246</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Stuart Sprott; Kylie Ferguson  
(Originally submitted to the 24 March 2020 Council meeting)

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## MOTION

That Council:

1. Staff prepare a business case on the viability of building a solar farm at the old Belrose tip site and present back to Council within four months.
2. Notes the excellent accessibility through its location to the Belrose electricity substation and the ability to connect to the grid with very low infrastructure cost.

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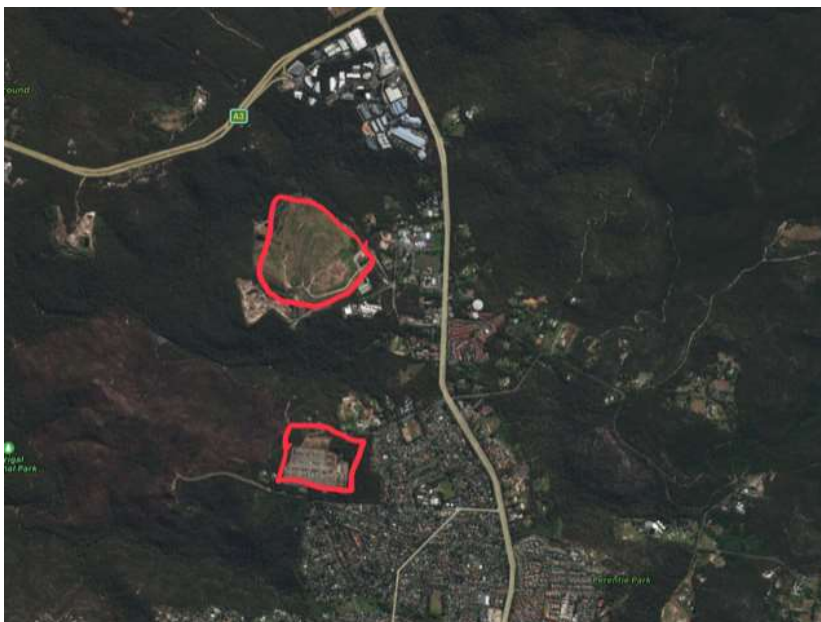
## BACKGROUND FROM COUNCILLOR STUART SPROTT; KYLIE FERGUSON

In line with Councils zero carbon by 2050 policy we need to investigate ways to produce our own electricity.

Roof top solar can only produce so much. Having solar electricity production as close to the source as possible reduces transmission losses.

We are lucky to have available right next door to our main substation, an old tip site that could possibly produce one fifth of Councils electricity.

I propose an investigation into the economic and community benefits to building and operating our own solar farm here on the Northern Beaches.



<b>ITEM 15.7</b>	<b>NOTICE OF MOTION NO 17/2020 - ASSISTANCE TO NORTHERN BEACHES COMMUNITY, CHARITY AND SPORTING ORGANISATIONS</b>
<b>TRIM FILE REF</b>	<b>2020/244262</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

*(Originally submitted to the 24 March 2020 Council meeting)*

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## **MOTION**

That Council:

1. Notes:
    - A. A number of Northern Beaches community, charities and sporting organisations have had to cancel or postpone numerous Events and Competitions that serve the needs and interests of our community due to the coronavirus.
    - B. That many of these organisations pay to use Council buildings, parks and reserves to conduct their community endeavours.
    - C. With the cancellations and deferral of their events and competitions many are facing financial and other hardship.
  2. Resolves to:
    - A. Request the Chief Executive Officer to ensure Council liaises with Northern Beaches community, charity and sporting organisations to ascertain how Council can assist them during this unprecedented period of uncertainty and risk to public health and safety
    - B. Furnish a report to the April Council meeting responding to the needs of Northern Beaches community, charity and sporting organisations with recommendations as to hiring fee concessions or waivers, financial and other assistance Council can provide to the hardworking community organisations and their stakeholders.
-

<b>ITEM 15.8</b>	<b>NOTICE OF MOTION NO 22/2020 - CAR FREE SUNDAY</b>
<b>TRIM FILE REF</b>	<b>2020/275980</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Sarah Grattan

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## **MOTION**

That Council:

1. Requests staff to explore options to provide “car free” areas across the northern beaches, on a periodic basis, suitable for local residents children, families to safely cycle for recreation.
  2. Explores the use of Tania Park at Dobroyd Head, Balgowlah Heights as a pilot to test a weekend monthly “car free time” and delegate to the Chief Executive Officer to authorise the most appropriate weekend time slot, notifications, consultation with park users and provisional approvals.
  3. Identifies suitable projects in each Ward and applies for grants under the NSW Streets as Shared Spaces fund.
- 

## **BACKGROUND FROM COUNCILLOR SARAH GRATTAN**

With the current COVID pandemic restrictions the community are spending more time in our parks and gardens. Cycling is experiencing a mini-boom, yet our BIKE plan is not yet officially endorsed. The BIKE plan has identified the need to cater for a range of users from road cyclists to families, children & residents who need safe network both to learn to ride and as a destination to ride for pleasure.

Commuting by bicycle is also becoming more popular, and increasingly necessary as we navigate social distancing on public transport.

We have new cycling infrastructure along the new Coast walk from Palm Beach to Manly, but there is currently limited safe infrastructure for families in other areas – including Balgowlah, Balgowlah Heights and Seaforth, areas whose terrain is also very hilly and difficult for families & children to successfully navigate.

The NSW Government’s recently announced Streets as Shared Spaces fund provides the ideal opportunity to fast-track the transformation of our streets and public spaces for social distancing.

For example, Tania Park would be an ideal location to trial a “car free Sunday” for a period of the day when not conflicting heavily with existing park users. Determining the most suitable time would need to be in consultation with existing users of the park, particularly those for organised weekend sport.

This idea is in alignment with the BIKE Plan (recently exhibited). The two relevant Future Directions are:

1. Expand, improve and maintain a safe cycling network.
4. Promote and encourage cycling.

This is also in alignment with the Northern Beaches Community Strategic Plan, particularly in relation to promoting sustainability, healthy and active lifestyles.

The costs of implementation of the pilot would be minimal, the pilot at Tania Park could be likely run without significant investment. Some consultation, signage and road closing apparatus would be required but likely managed within existing operational budgets.

<b>ITEM 15.9</b>	<b>NOTICE OF MOTION NO 23/2020 - ARTS AND CULTURE EVENTS</b>
<b>TRIM FILE REF</b>	<b>2020/288494</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Penny Philpott

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## MOTION

That as Councillors, we acknowledge the over 7,000 members of our LGA who live on the Northern Beaches and work in Arts sector; recognising their consistent contribution to the role the arts play in the mental health and wellbeing of our community; and that we work with this sector in conjunction with the Arts and Culture and Events teams to establish a number of events and programs that will not only assist, both mentally and financially, our Arts community, but will entertain and positively impact the wellbeing of Northern Beaches residents. Namely:

1. A permanent artwork to remember, as a narrative, how the Northern Beaches community responded during the COVID-19 pandemic; to be funded by an allocation of \$100,000 from the Merger Savings Funds, Coast walk public art project in conjunction with donations from the community.
2. A mass exhibition of work created by Northern Beaches artists to be held in every available gallery, studio, open space etc., that will open simultaneously, on the same day late in 2020.
3. The Events team, in conjunction with the Arts & Culture team, investigate and report on the feasibility of holding a series of community performances/concerts/films to be held outdoors and in venues throughout the Northern Beaches LGA to celebrate the opening of venues and the lifting of restrictions.

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## BACKGROUND FROM COUNCILLOR PENNY PHILPOTT

The Northern Beaches is regarded as having the third largest percentage, across all NSW local government areas, of its community employed in the cultural and creative arts sector. In fact, over 7,000 of our residents work in this sector and 2,500 of our businesses operate within this sector.

The initiatives contained in my NOM reflect the significant role the arts plays in enriching people's lives through increasing our understanding of one another and ourselves, and connecting us to others in unexpected ways.

The people who work in the arts sector are us, they are part of our community, with an average age of 42. These people, the majority of whom work under freelance contracts, have had their work and their incomes extinguished. They are earning no money, they have no work, and the majority of them are ineligible for any of the Government subsidies.

These people work as visual artists, designers, writers, actors, filmmakers, technicians, photographers and musicians. These are the people who create the books we read, the music we listen to, the movies, podcasts, documentaries, romcoms, cartoons, virtual tours, concerts and jokes we see, watch and listen to during our isolation.

We've all seen and enjoyed the abundance of creativity unleashed everyday while we've been in isolation and enjoyed many clever, questioning, provocative, humorous, irritating and funny memes and videos to help us through these surreal days, where we've had very little physical contact and connection with those we love and care about, and with whom we share our lives.

I believe it's our duty to recognise the importance of our arts workers and both the contribution they make to our community and the positive impact their work can make to our lives.

But there is widespread concern for the well-being of the arts sector, about how many will survive as creatives to reignite the joy they brought to us pre-COVID-19.

Our Arts and Culture team have been working extremely hard and have announced a number of fantastic initiatives for our creative community.

I'm asking that we, as an elected Council work together in a non-partisan manner, and support our staff to help our creatives develop significant events, projects and celebrations that will benefit the entire Northern Beaches community.

To quote the head of The Museum of Contemporary Art, Elizabeth Ann Macgregor, in an article she wrote for the SMH on April 15: "Artists will be there to help our communities flourish. A creative focus will give people confidence and contribute to our recovery on many levels. The arts do matter, now more than ever".

In addition, and importantly, these initiatives will offer our creative sector a financial and mentally stimulating lifeline. It will enable them to contribute to meaningful arts projects and maintain and develop their practices in extremely challenging times.

"Leaving our creative industry and its workers to founder makes absolutely no sense, culturally, emotional or economically."\*

*\*(Quote from Actor, Noni Hazlehurst, in an article by Nick Miller, SMH, May 11 2020).*

- 1. A permanent artwork to remember, as a narrative, how the Northern Beaches community responded during the COVID-19 pandemic; to be funded by an allocation of \$100,000 from the Merger Savings Funds, Coast walk public art project in conjunction with donations from the community.**

This narrative artwork would be created as a coordinated collaborative work between selected Northern Beaches artists, and comply with the Artists' brief already established by Council staff for the Coast Walk Art Works. Working with Council staff throughout the process, as per the Coast Walk guidelines, the 3-dimensional work will be situated on one of the selected sites on the Northern Beaches Coast Walk Art Trail.

The work will be funded from \$100,000 allocated from the existing Amalgamated Arts Fund name supported by donations from within the Northern Beaches community. The work will address the guidelines laid down by the Public Art working Group to celebrate and reflect the cultural, social and environmental significance of the Northern Beaches, exploring both the historic and contemporary cultural layers of the Northern Beaches through public art outcomes.

Within our Council area we have philanthropists who greatly value the arts as an essential part of our wellbeing and mental health; and with very little encouragement, would be prepared to donate to this artwork. The Friends of Manly Art Gallery and Museum have agreed to support this initiative, as have several established artists' collectives.

- 2. A mass exhibition of work created by Northern Beaches artists to be held in every available gallery, studio, open space etc., that will open simultaneously, on the same day late in 2020.**

Work with the Arts and Culture team to put a call-out to Northern Beaches visual artists of all genre to prepare work for a mass exhibition to be held in late 2020.

This would be a series of exhibitions throughout the LGA in as many community halls, public galleries (and participating private galleries), studios, outdoor spaces, cafes and/or any other suggested venue that may wish to participate and able to accommodate a small or large exhibition of artwork.

This mass exhibition be coordinated throughout the LGA and open on the same date in the designated venues at a date to be determined in late in 2020.

**3. The Events team, in conjunction with the Arts & Culture team, investigate and report on the feasibility of holding a series of community performances/concerts/films to be held outdoors and in venues throughout the Northern Beaches LGA to celebrate the opening of venues and the lifting of restrictions.**

Staff are already investigating holding a series of films at Lionel Watts Park, Frenchs Forest during the summer months, as per my NOM unanimously passed in February 2020. I'm also aware that a number of celebratory events are being investigated and planned for, and by the community.

Further to this, I'm asking staff to investigate the feasibility of working with the community to create a series of concerts, performances, films to take place at venues across the Northern Beaches; that may also enlist the help of volunteers.

#### **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 ability to enact this motion would be determined by any Public Health Orders that remain in place at the time events are to be scheduled.

<b>ITEM 15.10</b>	<b>NOTICE OF MOTION NO 24/2020 - ACTIVATION OF LIBRARY SPACES AT NIGHT</b>
<b>TRIM FILE REF</b>	<b>2020/288623</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Sue Heins

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## **MOTION**

That Council:

1. Staff investigate the feasibility of opening up Council's Library spaces for additional after hours activations.
  2. Staff consider Council's different library locations for a variety of activities suitable for different local demographics.
  3. Staff explore options of activities including (but not limited to) nights of art, music, readings, comedy nights and trivia nights, and the concept of a trial one night per month to test ideas and locations.
  4. Engage with residents for feedback on locations and potential activities that could be accommodated in Library spaces.
  5. A report including resourcing costs be bought back to a councillor briefing within three months.
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## **BACKGROUND FROM COUNCILLOR SUE HEINS**

Following on from the Night-Time / Twilight & Culture Notice of Motion in 2019, this is a step forward in encouraging alternative night time activities.

With the relaxing of laws from COVID-19, we need to be looking at innovative ways to invigorate our town and village centres.

This option uses existing council owned facilities to encourage people to meet, enjoy fun events and open up libraries. This will make our libraries more accessible outside of standard working hours and attract residents and visitors to our centres where our libraries are located.



<b>ITEM 15.11</b>	<b>NOTICE OF MOTION NO 25/2020 - COUNCILLOR SOCIAL MEDIA POLICY</b>
<b>TRIM FILE REF</b>	<b>2020/288725</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Candy Bingham

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## **MOTION**

That a Social Media Policy be developed for councillors.

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## **BACKGROUND FROM COUNCILLOR CANDY BINGHAM**

Council recently developed a Social Media Policy for staff however such a policy does not currently exist for councillors.

Increased cases of defamation in NSW due to comments and postings made on social media, have increased the risk of litigation to Council and Councillors using social media.

As social media continues to grow and expand as a means for councillors to communicate with their communities, the need for a policy has become apparent.

It is noted that many other councils already have such a policy including Randwick, Inner West, Maitland and Snowy River.

## 16.0 QUESTIONS WITH NOTICE

<b>ITEM 16.1</b>	<b>QUESTIONS ON NOTICE NO 05/2020 - ANNUAL IPART RATE PEG AND CAP</b>
<b>TRIM FILE REF</b>	<b>2020/273636</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Ian White

### QUESTION

1. Since the formation of the Northern Beaches Council in 2017 how many councils in NSW have not applied the (full) Annual IPART Rate Peg to their rates?
2. How many councils have indicated or are considering that they will not apply the (full) Annual IPART Rate Cap to their 2020 budget?

## 17.0 RESPONSES TO QUESTIONS WITH NOTICE

<b>ITEM 17.1</b>	<b>RESPONSE TO QUESTION WITH NOTICE NO 03/2020 - COUNCILLOR FEE INCREASE AS CHARITABLE DONATION</b>
<b>TRIM FILE REF</b>	<b>2020/220415</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

### QUESTION

- Which Councillors voted last year, and what are their respective Registered Political Party they were elected under, on the Motion to automatically accept the maximum fee increase for Councillors for the remainder of the Council term?
  - Which Councillors voted against the Motion and what is their respective Registered Political Party they were elected under, or elected as Independents, on the Motion to automatically accept the maximum fee increase for Councillors for the remainder of the Council term?
- On what dates has Council resolved to accept increases in Councillor fees and which Councillors voted, on each occasion, for these increases?
- In the Manly Daily article of 29 May 2018 titled:  
*“Northern beaches Councillors to give pay rise earnings to charity” which Councillors indicated they would donate or consider donating the increase in Councillor fees to charities?*
- Is it correct that in the Manly Daily article of 29 May 2018 neither Mayor Michael Regan nor any of his registered political party members: Councillors Sarah Grattan, Roslyn Harrison, Sue Heins, Penelope Philpott or Ian White, not his current Deputy Mayor or Greens Political Party Councillor, Natalie Warren undertook to donate the rise in Councillor fees to charities?

### RESPONSE

**Q1 MINUTES OF ORDINARY COUNCIL MEETING 25 JUNE 2019  
9.3 ANNUAL FEE FOR MAYOR AND COUNCILLORS 2019/20**

206/19 RESOLVED

*Cr Warren / Cr Bingham*

That Council:

- Pursuant to section 248 of the *Local Government Act 1993*, fixes the annual fee, payable monthly in arrears, for the period 1 July 2019 to 30 June 2020 as follows:
  - Councillors at \$30,410 per annum.
  - Mayor at \$88,600 per annum.
- Pursuant to section 248 of the *Local Government Act 1993*, fixes the fees payable monthly in arrears to the Mayor and Councillors for the 2019/2020 year and for the term of the current Council, at the relevant maximum amounts determined by the Local Government Remuneration Tribunal.

## VOTING

FOR: Crs White, Philpott, Grattan, Bingham, Regan, Heins, Harrison and Warren

AGAINST: Crs Amon, De Luca, Ferguson and Walton

ABSTAINED: Cr McTaggart

*CARRIED*

NOTE: In accordance with clause 12.4 of the Code of Meeting Practice abstaining from a vote is to be counted as a vote against the motion.

**Q2** The only other time that this current elected council has considered fees for Mayor and Councillors, is below:

**MINUTES OF ORDINARY COUNCIL MEETING 26 JUNE 2018****9.3 ANNUAL FEE FOR MAYOR AND COUNCILLORS**

177/18 RESOLVED

*Cr Regan / Cr Harrison*

That, pursuant to section 248 of the *Local Government Act 1993*, Council fixes the annual fee, payable monthly in arrears for the period 1 July 2018 to 30 June 2019 as follows:

A. Councillors at \$ 29,670 per annum.

B. Mayor at \$ 86,440 per annum.

## VOTING

FOR: Crs Bingham, Grattan, Harrison, Heins, Philpott, Regan and White

AGAINST: Crs Amon, De Luca, Ferguson, McTaggart and Walton

*CARRIED*

**Q3** N/A

**Q4** N/A

**Note:** Questions with Notice are permitted in accordance with clauses 4.16, 4.17 and 4.18 of the Northern Beaches Council Code of Meeting Practice. Clause 4.16 states that questions must be “about the performance or operations of the council”. Elements of Q1 and all of Q3 and Q4 do not meet this requirement and therefore responses have not been provided.

**ITEM 17.2**

**RESPONSE TO QUESTION TAKEN WITH NOTICE NO 07/2020 - NOTICE OF RESCISSION NO 01/2020 - PUBLIC EXHIBITION OF THE DRAFT DELIVERY PROGRAM 2020-2024, OPERATIONAL PLAN AND BUDGET 2020/21 AND FORECAST FINANCIAL IMPACT OF COVID PANDEMIC**

**TRIM FILE REF**

**2020/263961**

**ATTACHMENTS**

**NIL**

Taken on notice at the Council meeting on 5 May 2020 from: Councillor Rory Amon

**QUESTION**

In regard to rate rises (including the IPART and special rate variation requirements), can you advise how the Mayor voted on each of these items since 2008 onwards?

**RESPONSE TO QUESTION**

The following table outlines Mayor Michael Regan's vote between 2009 and 2020.

<b>Northern Beaches Council</b>	<b>Vote</b>
Tuesday 25 June 2019 – item 9.2 Delivery Program 2019-2023, Operational Plan and Budget 2019/20 (including Fees and Charges)	For
Tuesday 26 June 2018 – item 8.1 Delivery Program 2018 - 2021, Operational Plan and Budget 2018/19, Fees and Charges and Resourcing Strategy	For
<b>Warringah Council</b>	
Tuesday 26 May 2015 – item 6.1 Adoption of the Delivery Program 2015-2019 and Operational Plan including Fees and Charges 2015/16	For
Tuesday 24 June 2014 – item 6.2 Adoption of the Delivery Program 2014-2018 and Operational Plan Including Fees and Charges 2014/15	For
Tuesday 25 June 2013 – item 6.4 Adoption of the Community Strategic Plan 2023, Delivery Program 2013-2017, and Operational Plan including Fees and Charges 2013-2014	For
Tuesday 26 June 2012 – item 8.1 Adoption of Strategic Community Plan 2012: The Budget 2012-2013	For
Tuesday 28 June 2011 – item Adoption of Strategic Community Plan 2011 - The Budget 2011-2012	For
Tuesday 22 June 2010 – item 9.7 item Adoption of Strategic Community Plan 2010 – The Budget 2010	For
Tuesday 25 June 2009 – item 7.1 item Adoption of Strategic Community Plan 2009	For

<b>ITEM 17.3</b>	<b>RESPONSE TO QUESTION TAKEN WITH NOTICE NO 08/2020 - NOTICE OF RESCISSION NO 01/2020 - PUBLIC EXHIBITION OF THE DRAFT DELIVERY PROGRAM 2020-2024, OPERATIONAL PLAN AND BUDGET 2020/21 AND FORECAST FINANCIAL IMPACT OF COVID PANDEMIC</b>
<b>TRIM FILE REF</b>	<b>2020/264128</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Taken on notice at the Council meeting on 5 May 2020 from: Councillor Vincent De Luca OAM

**QUESTION**

Could you please advise the additional amount that has been expended by council for directors vehicles only?

**RESPONSE**

The annualised net cost of vehicles assigned to directors is \$91,159. This includes fuel, insurance, registration, maintenance and depreciation less the personal contribution directors make towards these costs.

## 18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

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### RECOMMENDATION

That:

A. In accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- a. Item 18.1 RFT 2020/047 - Sydney Lakeside Holiday Park Amenities Refurbishment on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council [10A(2)(d(ii)) *Local Government Act 1993*].

This report discusses/provides advice concerning the refurbishment of Sydney Lakeside Holiday Park. 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 confer a commercial advantage on a competitor of the tenderer.

- b. Item 18.2 Acceptance of Grant Funding 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 an offer of grant funding that is required to be kept confidential until after the funding deed is executed. 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 result in the grant funding offer being rescinded.

B. The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.

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## 19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

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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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