



northern
beaches
council

AGENDA

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

Tuesday 23 May 2023

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

Louise Kerr
Interim Chief Executive Officer

OUR VISION

Delivering the highest quality service valued and trusted by our community

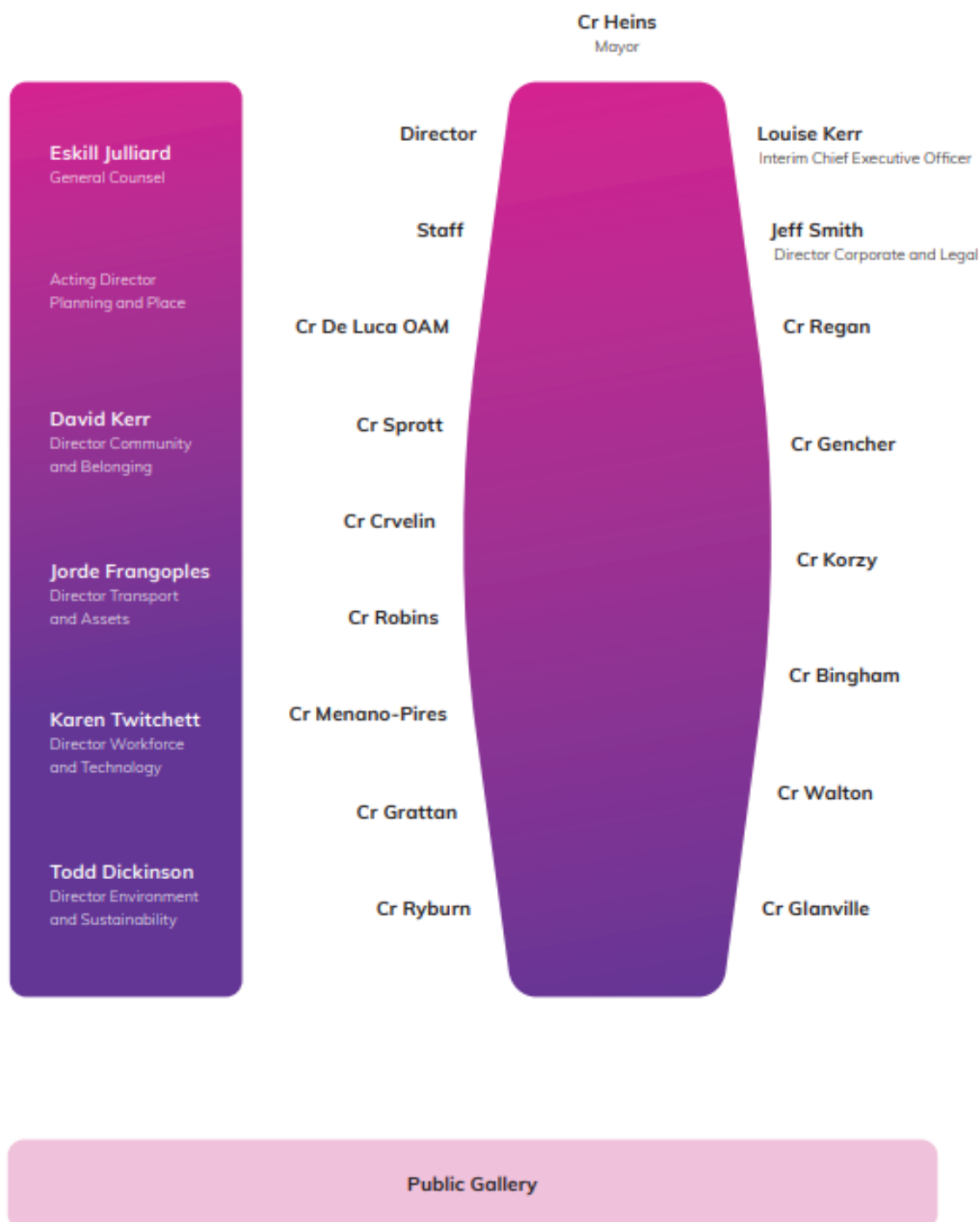
OUR VALUES

Trust Teamwork Respect Integrity Service Leadership

OUR OBLIGATIONS

I swear/solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Northern Beaches and the Northern Beaches Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

Council Chambers Seating Plan



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 23 May 2023
at the Civic Centre, Dee Why
Commencing at 6:00pm**

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1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

In accordance with Part 6 of the Code of Meeting Practice, Council will consider apologies, requests for leave of absence, and requests to attend meetings remotely via audio-visual link.

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 18 APRIL 2023

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held 18 April 2023, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

3.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 16 MAY 2023

RECOMMENDATION

That the minutes of the Extraordinary Council Meeting held 16 May 2023, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 DISCLOSURES OF INTEREST

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

A Councillor who has a **pecuniary interest** in any matter with which Council is concerned, and who is present at a meeting of Council at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

The Councillor must not be present at, or in sight of, the meeting:

- a. at any time during which the matter is being considered or discussed, or
- b. at any time during which Council is voting on any question in relation to the matter.

A Councillor who has a **significant non-pecuniary** conflict of interest in a matter under consideration at a Council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest must also explain why the conflict is not significant and does not require further action in the circumstances.

As required by Council's Code of Conduct and the Information and Privacy Commission's Information Access Guideline 1, returns made by designated persons are routinely tabled at Council meetings and published on Council's website.

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

6.0 ITEMS RESOLVED BY EXCEPTION

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

7.0 MAYORAL MINUTES

ITEM 7.1	MAYORAL MINUTE NO 4/2023 - DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COSTS
TRIM FILE REF	2023/311487
ATTACHMENTS	NIL

BACKGROUND

In keeping with calls from Local Government NSW, I am calling on Councillors to support representations to the NSW Government in response to the highly damaging increase in the Emergency Services Levy (ESL) imposed on all councils without warning for the 2023/24 financial year.

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7% funded by councils and 14.6% by the NSW Government. The ESL represents cost shifting at its worse, as it is imposed on councils without any mechanism for councils to recover costs.

The levy increase for the State's 128 councils in 2023/24 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year. This represents a 53.1% increase, completely dwarfing the IPART baseline rate peg of 3.7% for 2023/24, and Council's rate increase of 3.7%.

Reporting suggests that the increase in costs this year reflects a 73% increase in the State Emergency Service budget and an 18.5% funding increase to Fire and Rescue NSW. The impact of these large increases on councils' finances will be particularly severe in 2023/24 as a result of the NSW Government deciding to scrap the subsidy for council ESL payments.

For many councils, the unexpected cost hit will absorb almost all of their Independent Pricing and Regulatory Tribunal (IPART) approved rate rise for this year and in some cases absorb more than 100%. This is placing local government budgets under enormous pressure as they struggle from the combined impact of the pandemic, extreme weather events, high inflation and wage increases.

IPART-approved rate rises are intended to compensate for the impacts of inflation and increases in council costs. Instead, the rate increase will have to be largely diverted to the significantly higher ESL payments this year. NSW councils will have no option other than to make cuts to infrastructure and/or services expenditure.

For Council, the ESL has increased by \$3,107,703 for 2023/24, bringing the total Council contribution to \$9,298,473 (50% increase). This amounts to 47% of the expected increase in rate income for 2023/24. If the NSW Government's decision is not reversed, the potential impacts on Council's services, infrastructure maintenance and delivery include:

- Challenges in maintaining existing service levels to the community;
- Limits to our ability to respond to unplanned events like natural disasters;
- Reprioritisation of our infrastructure renewal program – a \$3 million ongoing reduction will lead to Council failing the Office of Local Government's asset renewal ratio benchmark (meaning assets will depreciate faster than we can replace them) and a growing backlog of infrastructure falling into poor condition into the future; and
- Ultimately, this increase is so significant, without a corresponding increase in income it may challenge the ongoing financial sustainability of the Council.

The timing of this development is particularly challenging for councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.

All councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are councillors and council staff). However, it is essential that these services be supported through an equitable, transparent and sustainable funding model.

Local Government NSW has raised the serious concerns of the local government sector with the NSW Government and is seeking the support of councils across NSW in amplifying this advocacy.

This Mayoral Minute recommends that Council call on the NSW Government to take immediate action to:

- a. restore the ESL subsidy,
- b. decouple the ESL from the rate peg to enable councils to recover the full cost
- c. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services.

The Mayoral Minute also recommends that Council write to IPART advising of the financial sustainability impacts on of the ESL.

MOTION

That Council:

1. Write, again, to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):
 - A. To reiterate Council's strong opposition to the NSW Government's last minute decision to impose a significant Emergency Services Levy cost increase on councils for 2023/24 by scrapping the Emergency Services Levy subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
 - B. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.
 - C. Advising that the Government's decision may lead to a reduction in important local services and the deferral of necessary infrastructure projects;
 - D. Calling on the NSW Government to take immediate action to:
 - a. restore the ESL subsidy in 2023/24
 - b. urgently introduce legislation to decouple the Emergency Services Levy from the rate peg to enable councils to recover the full cost
 - c. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. Write to the Chair of the Independent Pricing and Regulatory Tribunal advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.

3. Write to the President of Local Government NSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Council's emergency services contribution.
-



Sue Heins
MAYOR

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	ELECTION OF DEPUTY MAYOR
REPORTING MANAGER	DIRECTOR CORPORATE & LEGAL
TRIM FILE REF	2023/310947
ATTACHMENTS	1 ↓ Nomination Form - Election of Deputy Mayor

BRIEF REPORT

PURPOSE

To consider the election of a councillor to the office of Deputy Mayor and the method by which the election will be conducted.

REPORT

At the extraordinary Council meeting held on 16 May 2023, our current Deputy Mayor was elected as the new Mayor of Northern Beaches Council. As a result, Council now needs to consider whether it is to elect a new Deputy Mayor for the term of office.

Section 231 of the *Local Government Act 1993* provides that Council may elect one of its members as Deputy Mayor. The person may be elected for the Mayoral term or a shorter term. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

Should Council resolve to elect a Deputy Mayor, nominations shall be called for candidates for the office. If a Deputy Mayor is to be elected by the councillors, the election is to be in accordance with Schedule 7 of the *Local Government (General) Regulation 2021*.

In the event that two or more candidates accept a nomination for the office of Deputy Mayor, Council shall determine the method for conducting the election.

Conducting the Elections of the Deputy Mayor

A nomination for the office of Deputy Mayor (Attachment 1) is to be made in writing and endorsed by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

If only one councillor is nominated, that councillor is elected. If more than one councillor is nominated, the Council is to resolve whether the election is to proceed by:

- (a) open voting
- (b) ordinary ballot
- (c) preferential ballot.

The election is to be held at the Council meeting at which the Council resolved on the method of voting. The Returning Officer is to conduct the ballot.

If the method is open vote this is to be conducted by a show of hands. If the method is by preferential or ordinary ballot, this will be conducted by a secret vote.

Secret votes are not able to be conducted by remote audio-visual methods, therefore in the event some councillors are granted approval by the Council to participate in the Council meeting by remote audio-visual link, the most practicable method will be to conduct the election by open voting.

The below procedures are in accordance with the Act and the Office of Local Government's [Fact Sheet Election of Mayor and Deputy Mayor by Councillors](#).

Summary of Election Procedure

- Nomination papers are distributed to Councillors prior to the meeting (Attachment 1).
- Councillors will be called upon by the Returning Officer to submit their nomination papers.
- Nominations received will be read to the Council meeting by the Returning Officer who will ask if any of the candidates nominated wish to decline the nomination.
- If there are more candidates than one, an election will be carried out in accordance with the provisions of Schedule 7 of the *Local Government (General) Regulation 2021*.
- Councillors will resolve whether the election is to proceed by open voting, by ordinary ballot or by preferential ballot.
- If an ordinary ballot or preferential ballot is required:
 - Ballot papers will be prepared and distributed to councillors for marking
 - Upon completion of marking of the ballot papers by councillors, the ballot papers will be collected on behalf of the Returning Officer and the votes will be counted
 - When the ballot or ballots, as required pursuant to the provisions of Schedule 7, have been completed and a result obtained, the Returning Officer will declare the result at the meeting. The result will then be given to the Secretary of the Department of Planning and Environment (formerly Department of Planning, Industry and Environment) and the Chief Executive Officer of Local Government NSW.

Detailed Procedures for Election Methods

Open Voting

An open vote will be conducted by a show of hands.

If there are only two candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

If there are three or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only two candidates remain. Where only two candidates remain, the candidate with the higher number of votes is elected. If tied, the one elected is to be chosen by lot.

Ordinary Ballot

If the election proceeds by ordinary ballot, the Returning Officer is to determine the manner in which votes are to be marked on the ballot papers.

The formality of a ballot paper must be conducted in accordance with section 345 (1) (b) and (c) of the *Local Government (General) Regulation 2021*.

An informal ballot paper must be rejected at the count.

If there are only two candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

If there are three or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only two candidates remain. Where only two candidates remain, the candidate with the higher number of votes is elected. If tied, the one elected is to be chosen by lot.

Preferential Ballot

The steps to conduct a preferential ballot are as follows:

The ballot papers are to contain the names of all the candidates. The Returning Officer is to determine the order in which the candidates are listed on the ballot papers.

Councillors are to mark their votes by placing the number '1' '2' and so on, against the listed candidates' names so as to indicate the order of their preference for all candidates.

An informal ballot-paper must be rejected at the count. The formality of a ballot paper is to be determined in accordance with section 345 of the Regulation.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.

A candidate with an absolute majority of votes is elected. If no candidate has the absolute majority of first preference votes, the candidate with the lowest number of votes is excluded. The preferences from the excluded candidate are distributed. The process continues until one candidate has received an absolute majority of votes.

Under the Regulation "absolute majority", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot papers.

The steps for a tied vote in a preferential ballot are as follows:

If on any count of votes there are two candidates in, or remaining in the election and the numbers of votes cast for the two candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

If on any count of votes there are three or more candidates in, or remaining in the election and the numbers of votes cast for two or more candidates are equal, and those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Explanation of choosing by lots

If a process is to be determined by lot then this refers to the selection of a candidate by the Returning Officer where the names of candidates who have equal numbers of votes are to be written on similar slips of paper, folded and mixed and selected randomly from a barrel. The candidate whose name is on the drawn slip is chosen.

TIMING

This election will be to elect a Deputy Mayor, should Council so resolve, for a term that the Council resolves. The current Mayoral term ends in September 2023.

LINK TO COUNCIL STRATEGY

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

FINANCIAL CONSIDERATIONS

The provision for an office of Deputy Mayor is included within Council's existing operational budget.

ENVIRONMENTAL CONSIDERATIONS

The election of the Deputy Mayor does not have an environmental impact.

SOCIAL CONSIDERATIONS

The civic responsibilities and community leadership role of the Deputy Mayor are outlined under section 226 of the Act.

Section 231(3) of the Act states that:

The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

GOVERNANCE AND RISK CONSIDERATIONS

The election of the Deputy Mayor is in line with section 231 of the *Local Government Act 1993*.

RECOMMENDATION OF INTERIM CHIEF EXECUTIVE OFFICER

That Council:

1. Determine whether to elect a Deputy Mayor and, if so, the term.
 2. Determine the method of voting for the election of the Deputy Mayor to be conducted by one of the following methods:
 - i. Open voting
 - ii. Ordinary ballot
 - iii. Preferential ballot.
-



Nomination Form

Office of Deputy Mayor

In accordance with Clause 2 and Schedule 7 of the Local Government (General) Regulation 2021,

Councillor is hereby nominated for

(name of nominee)

the office of **DEPUTY MAYOR** of Northern Beaches Council for a term as determined by Council under section 231(2) of the Local Government Act, 1993.

Nominators

1. Councillor
(name) (signature)

2. Councillor
(name) (signature)

Nominee

I, Councillor , consent to this nomination.

(name)

.....
(Signature) (date)

The Returning Officer is: **Interim CEO Louise Kerr**. Nominations may be provided to the Returning Officer via email to at: Louise.Kerr@northernbeaches.nsw.gov.au

Clause 394 and Schedule 7 of the Local Government (General) Regulation, 2021 outline the statutory provisions for the nomination of candidates for election of **Deputy Mayor** by Councillors as follows:

Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (2) The nomination is to be delivered or sent to the returning officer.
- (3) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1	QUARTERLY REVIEW - MARCH 2023
REPORTING MANAGER	CHIEF FINANCIAL OFFICER, EXECUTIVE MANAGER FINANCIAL PLANNING AND SYSTEMS & EXECUTIVE MANAGER STRATEGY AND PERFORMANCE
TRIM FILE REF	2023/193305
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Progress of the Operational Plan - March 2023 (Included In Attachments Booklet) 2 ⇒ Quarterly Budget Review Statement - March 2023 (Included In Attachments Booklet) 3 ⇒ Stronger Communities Funds and New Council Implementation Fund - March 2023 (Included In Attachments Booklet)

SUMMARY

PURPOSE

To present financial and service performance results for the period ended 31 March 2023, and a progress report on the expenditure from the \$36.1 million Stronger Communities Fund (SCF) provided by the New South Wales (NSW) Government.

EXECUTIVE SUMMARY

This report details Council's service performance results and the consolidated financial position for the period ended 31 March 2023. The Quarterly Review is a progress report on the implementation of the Operational Plan 2022/23.

The operating result (which includes capital grants and contributions) for the financial year is forecast to decrease by \$6.5 million to a surplus of \$41.9 million, primarily due to the rephasing of capital grants to next financial year. Excluding capital grants and contributions the result is forecast to improve by \$1.4 million, from a surplus of \$7.4 million to a surplus of \$8.8 million.

Capital expenditure is forecast to decrease by \$17 million to \$91.2 million, primarily due to the re-phasing of projects into the 2023/24 financial year.

Council's budget remains balanced. Investment returns remain strong following rising interest rates, with an additional \$0.6 million expected (which includes Kimbriki and restricted reserve funds). An additional \$2.0 million from development contributions is also anticipated. Lower waste volumes have resulted in \$1.3 million in savings for waste collection and disposal costs, while \$1.4 million in additional costs were incurred to repair storm damaged assets. Parking fine income remains low and has been reforecast down to \$5.4 million (a \$1.5 million reduction).

Council's 2022/23 Operational Plan contains 196 actions relating to both operational and capital projects. Of the 196 actions the majority (84%) are progressing on schedule, including 35 completed. The Plan also contains 37 performance measures, of which 89% have met or approached their targets this quarter.

The Report also details expenditure associated with the implementation of Council's SCF projects supported by NSW Government funds.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

1. Note the March 2023 Quarterly Budget Review Statement.
 2. Approve the following changes to the Current Forecast in the March 2023 Quarterly Budget Review Statement:
 - A. A decrease in the forecast surplus from Continuing Operations, which includes Capital Grants and Contributions, of \$6.455 million to \$41.900 million.
 - B. A decrease in capital expenditure by \$17.008 million to \$91.167 million.
 3. Note the Quarterly Report on Service Performance for the period ended March 2023.
 4. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended March 2023.
-

REPORT

BACKGROUND

Northern Beaches Council's Operational Plan 2022/23 was adopted on 28 June 2022. The Operational Plan is for the period 1 July 2022 to 30 June 2023.

The Quarterly Budget Review Statement is a regular progress report against the Operational Plan 2022/23. It has been prepared in accordance with the requirements of the Local Government (General) Regulation 2021 (CI203) and essential element 4.9 of the Integrated Planning and Reporting Guidelines (September 2021), 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 Council's overall financial position as well as provide sufficient information to enable informed decision making while ensuring transparency.

The Quarterly Report on Service Performance discloses the progress of key services in the delivery of projects and against performance measures.

The report includes updates for the period ending 31 March 2023 on:

- Service performance
- Financial performance and position, contracts listing and recommended changes to the budget
- The outcomes delivered from the \$36.1 million Stronger Communities Fund (Attachment 3).

Overview of service performance

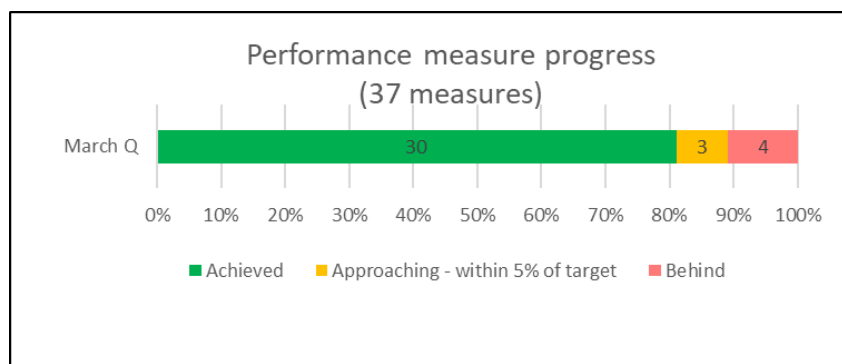
A report on Council's service performance is provided at Attachment 1. This is a comprehensive report on Council's 196 operational and capital projects, 37 reportable service performance measures, seven workload measures and service highlights across our 16 key services.

Council is making good progress towards achieving its performance targets and delivering operational and capital projects. Most of the missed targets and over half the delayed projects are due to external factors such as economic or weather conditions, capacity of third party providers or lowered demand.

A summary of our performance is outlined below.

Performance measures

Overall 89% of Council's 37 performance measures met or approached the target. Of the 7 measures that did not achieve their target, most were impacted by external factors such as economic or weather conditions, capacity of third party providers or lowered demand.



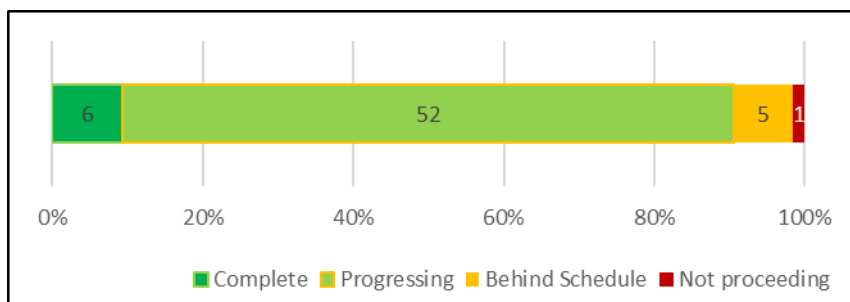
Operational project progress

Of the 64 operational projects, 91% are progressing on schedule.

Of the five projects behind schedule, two were delayed by external factors.

One other project will not proceed, as the need has been fulfilled by other initiatives.

Target: 80% complete/on schedule as at 30 June 2023



One operational project was completed this quarter:

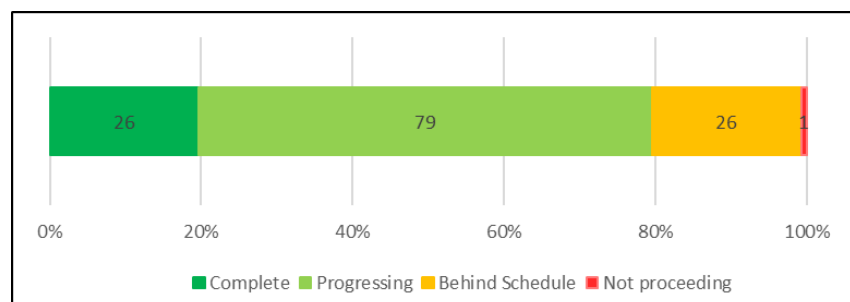
- Achieve dementia friendly accreditation across appropriate library services

Capital project progress

Of the 132 capital projects, 80% are complete or progressing on schedule.

Of the 27 projects behind schedule, more than half (17) are due to external factors such as weather conditions, and third-party issues or opportunities.

Target: 80% complete/on schedule as at 30 June 2023



Eight capital projects were completed this quarter:

- Beach buildings works program
- Commercial centre renewal program
- Connecting all Through Play - Active Play
- Emergency buildings works program
- Long Reef Surf Life Saving Club works
- Marine Rescue Broken Bay building works
- Porters Reserve Clubhouse change space
- Wyatt Avenue open space, Belrose

Stronger Communities Fund (SCF)

Attachment 3 outlines the progress of projects funded by the NSW Government's SCF. This quarter the new Long Reef Surf Club was opened and work on the Mona Vale Public School Performance Space was completed in late March. Work is continuing on the remaining projects - Wakehurst Parkway flood mitigation and Connecting Northern Beaches Coast Walk.

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 2021:

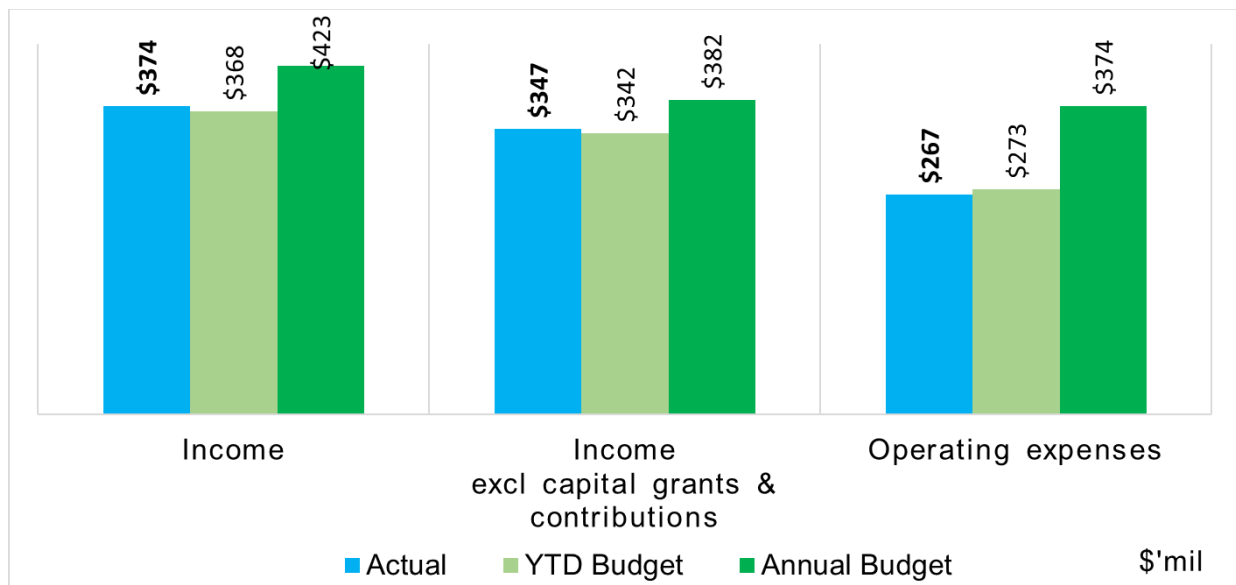
"It is my opinion that the Budget Review Statement for Northern Beaches Council for the period ending 31 March 2023 indicates that Council's projected financial position at 30 June 2023 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted 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 Council's progress against the annual budget at the end of the March 2023 quarter and provides explanations for major variations that result in recommendations for budget changes.

Operating budget summary – as at 31 March 2023 (\$' million)



For the nine months to 31 March 2023 the operating result (incl capital grants and contributions) is \$12.2 million favourably ahead of budget, primarily due to phasing of expenditure and income items partially offset by the timing of the release of capital grant funding against project expenditure milestones and costs associated with natural disasters.

The operating surplus which includes capital grants and contributions for the financial year is forecast to decrease by \$6.5 million to \$41.9 million. Income is forecast to decrease by \$2.0 million while operating expenses will increase \$4.5 million (primarily due to higher than expected investment income offset by expenditure on storm events and capital grants and contributions).

The operating result excluding capital grants and contributions is forecast to improve by \$1.4 million to an \$8.8 million surplus. These overall movements are summarised in the table below, under the 'Recommended Changes' column.

Operating budget as at 31 March 2023 – summary of recommended changes

\$'000	Annual				Year to date			
	ORIGINAL Budget	REVISED Budget	Recommended changes	CURRENT Forecast	Actual	Approved Budget	Variance	
Income	400,340	422,727	(1,965)	420,762	374,089	367,916	6,173	2%
Operating expenses	(361,781)	(374,371)	(4,491)	(378,862)	(267,299)	(273,326)	6,027	2%
Surplus / (Deficit)	38,559	48,356	(6,455)	41,900	106,791	94,591	12,200	13%
Surplus / (Deficit) before Capital Grants & Contributions	8,795	7,410	1,374	8,784	79,417	68,336	11,081	16%

Attachment 2 'Quarterly Budget Review Statement - March 2023' provides further information on the proposed variations to the budget.

Income Year to Date (YTD) Analysis

Total income at the end of March 2023 is \$374.1 million which is \$6.2 million above the forecast. The principal reasons for this variance are as follows:

Income as at 31 March 2023 – Variance to Approved YTD Budget

YTD Variance \$'000	Details – Favourable / (Unfavourable)
(59)	Rates and Annual Charges
429	User Charges & Fees <ul style="list-style-type: none"> Stronger than anticipated income: <ul style="list-style-type: none"> Aquatic Centres \$0.6m Sydney Lakeside \$0.4m Development applications \$0.3m Lower income including: <ul style="list-style-type: none"> Kimbriki Waste & Recycling Centre (\$0.4m) Glen Street theatre (\$0.3m)
254	Investment Fees and Revenues <ul style="list-style-type: none"> Stronger than anticipated income due to higher interest rates and higher investment balances
248	Other Revenue <ul style="list-style-type: none"> Stronger than anticipated income: <ul style="list-style-type: none"> Advertising on Council structures \$0.5m Kimbriki recycling income \$0.1m Lower income including: <ul style="list-style-type: none"> Parking fines (\$1.0m)–remains lower than pre-COVID + resourcing issues Other fines (\$0.1m) Timing of revenue recognition for advertising on Council structures \$0.2m
3,467	Grants and Contributions – Operating Purposes <ul style="list-style-type: none"> Timing of revenue recognition of grants to match expenditure of funds including Mona Vale Performance space works \$0.4m, Cromer High School Sportsfield (\$0.3m) Early payment of Children's Services grants \$0.5m Reclassification of the Regional and Local Road Repair program from capital to operating grants \$2.3m New grants including for Bushfire Mitigation and Resilience \$0.4m
1,119	Grants and Contributions – Capital Purposes

YTD Variance \$'000	Details – Favourable / (Unfavourable)
	<ul style="list-style-type: none"> • Development contributions higher than expected \$2.4m • Timing of revenue recognition of grants to match expenditure of funds including: <ul style="list-style-type: none"> ○ Connecting Communities cycleway program (\$0.4m) ○ Bike Plan implementation (\$0.3m) ○ Footpath renewal works (\$0.3m) ○ Road Resheeting Program \$1.1m ○ Foreshores renewal program \$0.9m • Delay in payment of the Long Reef SLSC contribution (\$0.4m) • Reclassification of the Regional and Local Road Repair program from capital to operating grants (\$1.7m)
(172)	Other Income <ul style="list-style-type: none"> • Re-classification of some agreements from leases to licences (other revenue)
888	Gain on disposal of assets <ul style="list-style-type: none"> • Timing of proceeds on sale of plant & equipment and road reserve sale
6,173	TOTAL INCOME VARIANCE – YTD ACTUALS WITH YTD BUDGET

Operating Expenses Year to Date (YTD) Analysis

Total operating expenses at the end of March 2023 is \$267.3 million, which is \$6 million under the forecast. The principal reasons for this variance are as follows:

Operating expenses as at 31 March 2023 – Variance to Approved YTD Budget

YTD Variance \$'000	Details – Favourable / (Unfavourable)
758	Employee Benefits and Oncosts Lower primarily due to vacancies in Corporate Support, Transport and Library Services. This was partially offset by higher expenditure on casual staff in Children's Services due to the unavailability of agency staff and trainees and an adjustment to the projected employee leave entitlements expense for the year based on the current provision modelling due to higher wage growth anticipated in future years.
8	Borrowing Costs
5,422	Materials and Services <ul style="list-style-type: none"> Timing of works: <ul style="list-style-type: none"> IT and communications \$1.2m Environment and floodplain \$0.8m (incl grant funded projects) Utilities \$0.6m (\$0.3m timing and \$0.3m savings expected) Bush regeneration \$0.5m Land use planning \$0.5m Management fees for accommodation businesses \$0.4m Insurance \$0.4m Lower than anticipated expenditure: <ul style="list-style-type: none"> Waste disposal & processing costs \$2.2m Waste collection \$0.5m Performance and events \$0.4m Legal services \$0.6m Staff training programs \$0.4m Printing, postage and stationery \$0.3m Advertising \$0.2m Higher than anticipated expenditure: <ul style="list-style-type: none"> Storm related damage clean up (\$0.8m) Agency staff (\$0.7m) Reclassification of expenditure funded by the Regional and Local Roads Program grant from capital to operating (\$2.3m)
162	Depreciation and Amortisation <ul style="list-style-type: none"> Due to the timing of the completion and capitalisation of new assets.

(323)

Other Expenses

- Timing of project milestones for the Mona Vale Performance Space (\$0.4m)
- Early payment of the Department of Environment and Planning Levy (\$0.2m)
- Timing of the NSW Surf Life Saving Championship payment \$0.1m

6,027

TOTAL OPERATING EXPENSES VARIANCE - YTD ACTUALS WITH YTD BUDGET

Capital Budget Statement

Capital expenditure is forecast to decrease by \$17.0 million to \$91.2 million, primarily due to the re-phasing of \$12.0 million into the 2023/24 financial year.

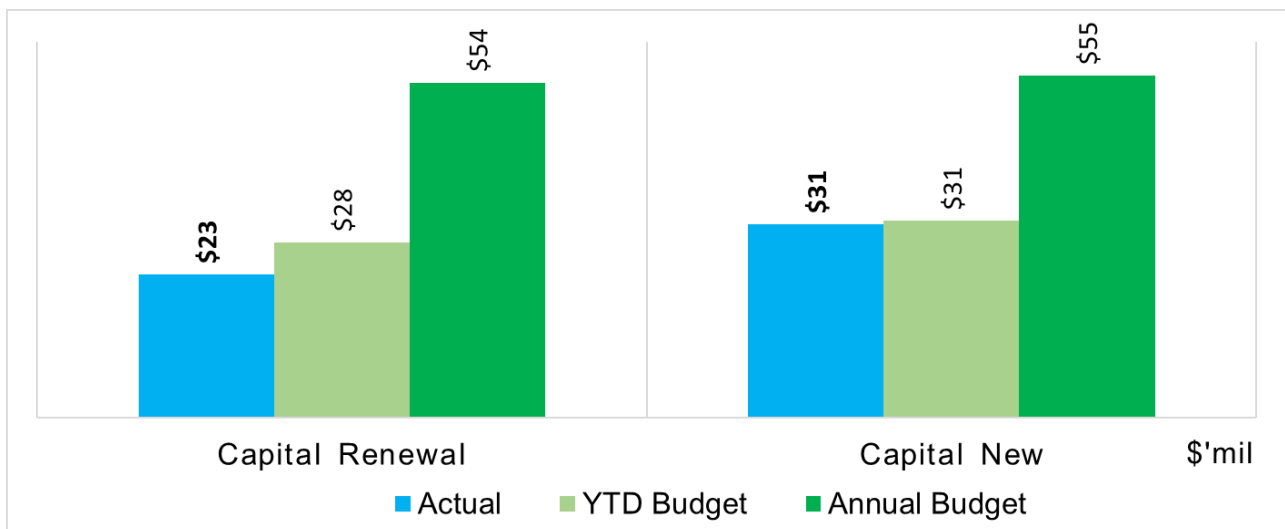
Proposed variations to the capital expenditure budget are outlined in Attachment 2 'Quarterly Budget Review Statement - March 2023' and include:

- Budgets re-classified from capital expenditure to operating expenditure:
 - \$3.4m Regional and Local Roads Repair Program (grant) (maintenance work)
 - \$1.1m Active transport corridor project (grant) (work on Sydney Water land)
- Budgets rephased to future years include:
 - \$1.3m Collaroy/Narrabeen coastal protection works
 - \$0.9m Wharves works program
 - \$0.9m New footpaths program
 - \$0.7m Retaining wall renewal works
 - \$0.7m Major plant renewal
 - \$0.6m Fern Creek bridge and shared paths

Capital Expenditure Year to Date (YTD) Analysis

Expenditure on capital works for the nine months ended 31 March 2023 is \$53.8 million against a year-to-date budget of \$59.4 million.

Capital budget summary – as at 31 March 2023 (\$'million)



The principal reasons for the variance in expenditure versus the year-to-date budget are as follows:

Capital expenditure as at 31 March 2023 – Variance to Approved YTD Budget

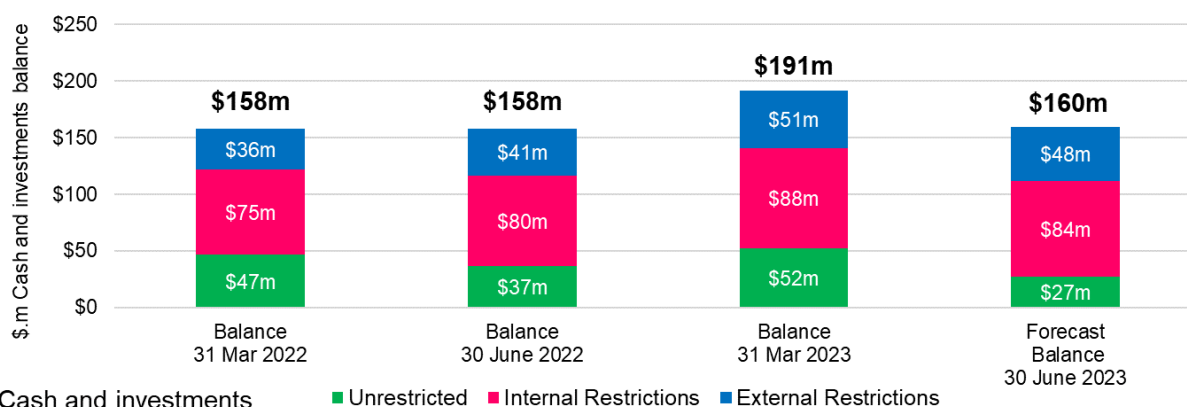
YTD Variance \$'000	Details – Favourable / (Unfavourable) YTD Variance
547	Capital Expenditure – New Projects <ul style="list-style-type: none"> Primarily due to the timing of works including the smart parking infrastructure project \$0.3m, Fern Creek bridge and shared paths \$0.2m and Warriewood Valley creekline works \$0.2m.
5,094	Capital Expenditure – Renewal Projects <ul style="list-style-type: none"> Re-classification of the Regional and Local Roads Repair Program from capital to operating expenses \$1.7m Timing of works including the road resheeting program \$1.1m and major plant renewal \$0.8m.
5,641	TOTAL CAPITAL EXPENDITURE VARIANCE – YTD ACTUALS WITH YTD BUDGET

Further information on the progress of capital projects is available within Attachment 1 'Quarterly Report on Service Performance'.

Cash and Investments

The balance of cash and investments as at 31 March 2023 was \$191 million. The projected balance on 30 June 2023 has been revised to \$160 million, \$61 million higher than the Original Budget forecast of \$99 million, primarily due to rephasing of capital expenditure to the 2023-2024 financial year and new grants and contributions.

Cash and investments – as at 31 March 2023



Further information is available on cash and investments within Attachment 2 'Quarterly Budget Review Statement - March 2023' to this report.

Financial Performance Measures

The following financial performance measures indicate that Council will meet the Office of Local Government's benchmarks.

\$ '000	Forecast result 30/6/2023	Forecast indicator 30/6/2023		Benchmark
1. Operating Performance				
Total continuing operating revenue ¹ excluding capital grants and contributions less operating expenses	8,391	2.17%	✓	>0%
Total continuing operating revenue ¹ excluding capital grants and contributions	387,172			
¹ Excludes fair value adjustments, reversal of revaluation decrements and net gain on sale of assets.				
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 2022/23 financial year, the forecast result remains above the benchmark.				
\$ '000	Forecast result 30/6/2023	Forecast indicator 30/6/2023		Benchmark
2. Unrestricted Current Ratio				
Current assets less all external restrictions	132,997	1.76x	✓	>1.5x
Current liabilities less specific purpose liabilities	75,358			
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., development contributions 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.				
For the 2022/23 financial year, the forecast result will continue to meet the benchmark.				

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 2021 (S203), 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 \$6.5 million to a surplus of \$41.9 million, primarily due to the rephasing of capital grants to the next financial year. Excluding capital grants and contributions the result is forecast to improve by \$1.4 million, from a surplus of \$7.4 million to a surplus of \$8.8 million. Capital Expenditure is forecast to decrease by \$17 million to \$91.2 million, primarily due to rollovers to the next financial year and the reclassification of projects from capital to operating expenditure.

Council's budget remains balanced and is expected to meet all financial performance benchmarks this financial year.

SOCIAL CONSIDERATIONS

The report discloses progress on implementing the Operational Plan. This includes the continued delivery of services and capital works that support our community and economy. These initiatives will have a positive social and economic impact on the community, including additional services and support available during natural hazard events and the COVID-19 pandemic.

ENVIRONMENTAL CONSIDERATIONS

The report provides progress on implementing the Operational Plan which includes a range of projects to protect and enhance our natural environment - by managing our coast, bush and biodiversity; implementing catchment management initiatives; and a variety of on-ground works and education in 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 and Council's overall financial position. It is provided to enable informed decision making while also ensuring transparency on Council's governance.

ITEM 9.2	AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY 2023
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2023/190571
ATTACHMENTS	NIL

BRIEF REPORT

PURPOSE

To select a Councillor to vote on motions at the Australian Local Government Association's 2023 National General Assembly of Local Government.

REPORT

Australian Local Government Association's (ALGA) 2023 National General Assembly of Local Government (NGA) is being held from 13 – 16 June 2023 at the National Convention Centre Canberra. The theme of the 2023 NGA is "Our Communities, Our Future", with emphasis on identifying opportunities for reforming and creating new Federal Government programs and policies that will support councils to build stronger communities into the future.

As Northern Beaches Council is a financial member of the ALGA it has the right to one vote on motions at the conference. Votes are taken in person only through a voting machine. This report is asking Council to nominate a Councillor to vote at the conference on its behalf.

All Councillors interested in attending this conference may do so by following the procedures and accessing available budget provided for by the Councillor Expenses and Facilities Policy.

Councillors were originally notified of the details of this conference on 6 January 2023. At the time of preparing this report, the following Councillors have registered to attend:

- Cr Bingham
- Cr Grattan
- Cr Menano-Pires
- Cr Robins

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

Funds are allocated from the 2022/23 budget for councillor attendance at conferences in accordance with the Councillor Expenses and Facilities Policy.

ENVIRONMENTAL CONSIDERATIONS

Councillors interact with other metropolitan, regional and rural councils to share knowledge of trends and ideas across the industry and to explore and progress opportunities for improving the environmental impact, and sustainability and resilience of the local government sector.

SOCIAL CONSIDERATIONS

As per the above, this provides an opportunity for Councillors to explore and progress innovations for improving the social impacts of the local government sector.

GOVERNANCE AND RISK CONSIDERATIONS

Participating in strategic forums such as this is in line with Council's strategic direction to be a leader in its industry.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council nominate a Councillor to vote on motions at the Australian Local Government Association's 2023 National General Assembly of Local Government.

ITEM 9.3	MONTHLY INVESTMENT REPORT - MARCH 2023
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2023/251684
ATTACHMENTS	NIL

SUMMARY

PURPOSE

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

EXECUTIVE SUMMARY

In accordance with section 212 of the Local Government (General) Regulation 2021, 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 \$192,847,150 comprising:

- Trading Accounts \$725,340
- Investments \$192,121,810

The portfolio achieved a return of 0.341% for the month of March which was 0.061% above the benchmark AusBond Bank Bill Index return of 0.28%. For the past 12 months the portfolio achieved a return of 2.617% which was 0.577% above the benchmark AusBond Bank Bill Index return of 2.04%.

The weighted average interest rate of the portfolio is 4.16% compared to 4.03% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 2.80% compared to the average AusBond Bank Bill movement of 0.17% and the average Reserve Bank of Australia Cash Rate of 2.12%.

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*, section 212 of the Local Government (General) Regulation 2021 and existing Investment Policies.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the Investment Report as at 31 March 2023, including the certification by the Responsible Accounting Officer.

REPORT

BACKGROUND

In accordance with section 212 of the Local Government (General) Regulation 2021, a report setting out the details of money invested must be presented to Council on a monthly basis.

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

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2022 to date was \$4,704,071 compared to budgeted income of \$460,600, a positive variance of \$4,243,471.

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

A revised Investment Policy was adopted by Council at its meeting on 26 July 2022. The Policy is reviewed annually by the Audit, Risk and Improvement Committee. It was reviewed by the Committee at its meeting in December 2022, and no changes to the Policy were proposed, with the next review by the Committee due by December 2023.

Council's Investment Strategy was reviewed in November 2022 by Council's Investment Advisors, Laminar Capital Pty Ltd, who confirmed that the current policy "remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet" and that they "do not recommend any changes to the list of approved investments or credit limit frameworks".

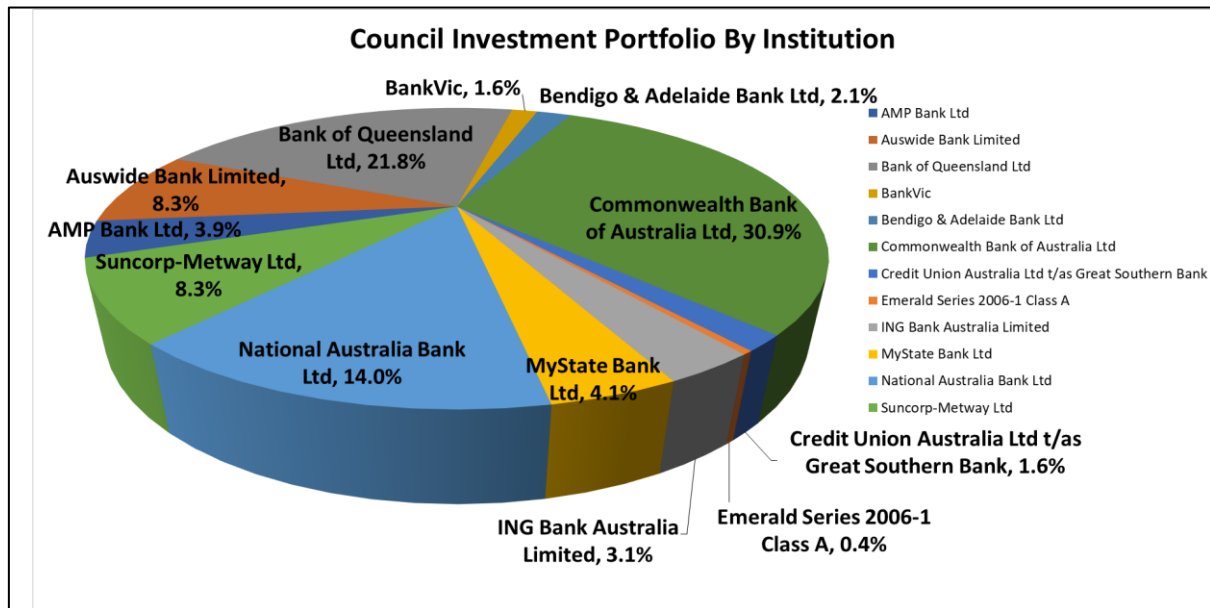
Investment Balances

INVESTMENT BALANCES					
As at 31-Mar-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	219,126			3.65%
National Australia Bank Ltd	A1+	9,589			3.60%
		228,715			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	3,679,786		At Call	3.70%
		3,679,786			
Mortgage Backed Securities					
Emerald Series 2006-1 Class A	A*	697,237	17-Jul-06	21-Aug-51	3.9494%
		697,237			
Term Deposits					
Commonwealth Bank of Australia Ltd	A1+	4,000,000	30-Aug-22	04-Apr-23	3.78%
MyState Bank Ltd	A2	2,000,000	29-Sep-22	06-Apr-23	4.20%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	30-Aug-22	11-Apr-23	3.80%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	30-Aug-22	13-Apr-23	3.81%
ING Bank Australia Limited	A1	2,000,000	22-Apr-22	18-Apr-23	2.30%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	20-Apr-22	20-Apr-23	2.22%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	30-Aug-22	26-Apr-23	3.86%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	25-Aug-22	26-Apr-23	3.80%
Bank of Queensland Ltd	A2	2,000,000	31-Aug-22	02-May-23	3.76%
Bank of Queensland Ltd	A2	2,000,000	31-Aug-22	04-May-23	3.76%
Bank of Queensland Ltd	A2	3,000,000	31-Aug-22	09-May-23	3.76%
Bank of Queensland Ltd	A2	2,000,000	21-Sep-22	11-May-23	4.00%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	18-Oct-22	16-May-23	4.10%
Suncorp-Metway Ltd	A1	2,000,000	25-Oct-22	16-May-23	4.26%
Suncorp-Metway Ltd	A1	2,000,000	25-Oct-22	18-May-23	4.26%
Bank of Queensland Ltd	A2	3,000,000	31-Aug-22	23-May-23	3.85%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	18-Oct-22	25-May-23	4.10%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	01-Sep-22	06-Jun-23	3.91%
Suncorp-Metway Ltd	A1	2,000,000	03-Nov-22	08-Jun-23	4.28%
Suncorp-Metway Ltd	A1	2,000,000	03-Nov-22	13-Jun-23	4.28%
MyState Bank Ltd	A2	2,000,000	09-Sep-22	14-Jun-23	3.90%
Suncorp-Metway Ltd	A1	2,000,000	22-Nov-22	15-Jun-23	4.22%
MyState Bank Ltd	A2	3,000,000	09-Sep-22	20-Jun-23	3.90%
National Australia Bank Ltd	A1+	2,000,000	15-Nov-22	22-Jun-23	4.12%
National Australia Bank Ltd	A1+	2,000,000	15-Nov-22	27-Jun-23	4.12%
National Australia Bank Ltd	A1+	2,000,000	15-Nov-22	29-Jun-23	4.13%
AMP Bank Ltd	A2	3,500,000	25-Aug-22	04-Jul-23	4.10%
MyState Bank Ltd	A2	1,000,000	29-Sep-22	06-Jul-23	4.35%
Auswide Bank Limited	A2	2,000,000	07-Dec-22	06-Jul-23	4.40%
Suncorp-Metway Ltd	A1	2,000,000	17-Nov-22	11-Jul-23	4.21%
Suncorp-Metway Ltd	A1	2,000,000	17-Nov-22	13-Jul-23	4.21%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	01-Sep-22	18-Jul-23	4.02%
Suncorp-Metway Ltd	A1	2,000,000	22-Nov-22	20-Jul-23	4.24%
Auswide Bank Limited	A2	3,000,000	30-Nov-22	25-Jul-23	4.40%
Auswide Bank Limited	A2	2,000,000	30-Nov-22	27-Jul-23	4.40%
Bank of Queensland Ltd	A2	3,000,000	30-Aug-22	01-Aug-23	4.05%
Bank of Queensland Ltd	A2	2,000,000	01-Sep-22	03-Aug-23	4.05%
Auswide Bank Limited	A2	2,000,000	30-Nov-22	08-Aug-23	4.40%
Auswide Bank Limited	A2	2,000,000	30-Nov-22	10-Aug-23	4.40%
Auswide Bank Limited	A2	3,000,000	30-Nov-22	15-Aug-23	4.40%

INVESTMENT BALANCES					
As at 31-Mar-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Term Deposits (continued)					
Auswide Bank Limited	A2	2,000,000	07-Dec-22	17-Aug-23	4.40%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	22-Aug-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	24-Aug-23	4.25%
Bank of Queensland Ltd	A2	3,000,000	25-Jan-23	29-Aug-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	05-Sep-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	07-Sep-23	4.55%
Bank of Queensland Ltd	A2	3,000,000	16-Feb-23	12-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	14-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	19-Sep-23	4.55%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Sep-22	21-Sep-23	4.32%
Bank of Queensland Ltd	A2	3,000,000	16-Feb-23	26-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	28-Sep-23	4.55%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	03-Oct-23	4.59%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	05-Oct-23	4.60%
National Australia Bank Ltd	A1+	3,000,000	23-Feb-23	10-Oct-23	4.61%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	12-Oct-23	4.67%
National Australia Bank Ltd	A1+	2,000,000	16-Feb-23	17-Oct-23	4.60%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	19-Oct-23	4.68%
Bank of Queensland Ltd	A2	1,000,000	23-Mar-23	24-Oct-23	4.60%
AMP Bank Ltd	A2	900,000	25-Oct-22	24-Oct-23	4.85%
AMP Bank Ltd	A2	1,100,000	25-Oct-22	24-Oct-23	4.85%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	26-Oct-23	4.65%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	31-Oct-23	4.71%
National Australia Bank Ltd	A1+	2,000,000	01-Mar-23	02-Nov-23	4.72%
Bank of Queensland Ltd	A2	1,000,000	23-Mar-23	21-Nov-23	4.60%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Dec-22	21-Nov-23	4.52%
ING Bank Australia Limited	A1	4,000,000	31-Jan-23	05-Dec-23	4.57%
BankVic	A2	3,000,000	16-Mar-23	19-Dec-23	4.80%
Credit Union Australia Ltd t/as Great Southern Ba	A2	3,000,000	31-Jan-23	30-Jan-24	4.65%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	28-Feb-23	27-Feb-24	5.02%
National Australia Bank Ltd	A1+	2,000,000	01-Mar-23	29-Feb-24	5.00%
AMP Bank Ltd	A2	2,000,000	28-Mar-23	05-Mar-24	4.90%
		162,500,000			
Kimbriki Environmental Enterprises Pty Ltd					
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	496,625			3.55%
		496,625			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	395,557		At Call	3.70%
Commonwealth Bank of Australia Ltd	A1+	2,225,849		At Call	3.70%
		2,621,406			
Term Deposits					
Commonwealth Bank of Australia Ltd	A1+	2,000,000	16-Sep-22	14-Apr-23	3.88%
Commonwealth Bank of Australia Ltd	A1+	1,500,000	04-Oct-22	04-May-23	4.07%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	15-Dec-22	01-Jun-23	4.17%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	09-Jan-23	07-Jul-23	4.37%
Commonwealth Bank of Australia Ltd	A1+	1,500,000	01-Feb-23	01-Aug-23	4.37%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	06-Feb-23	01-Aug-23	4.38%
Commonwealth Bank of Australia Ltd	A1+	13,893,187	28-Aug-22	28-Aug-23	4.12%
Commonwealth Bank of Australia Ltd	A1+	730,194	09-Jan-23	28-Aug-23	4.43%
		22,623,382			
Total Cash and Investments		192,847,150			

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

Portfolio Analysis



Institutional Credit Framework – Compliance with Investment Policy Requirements

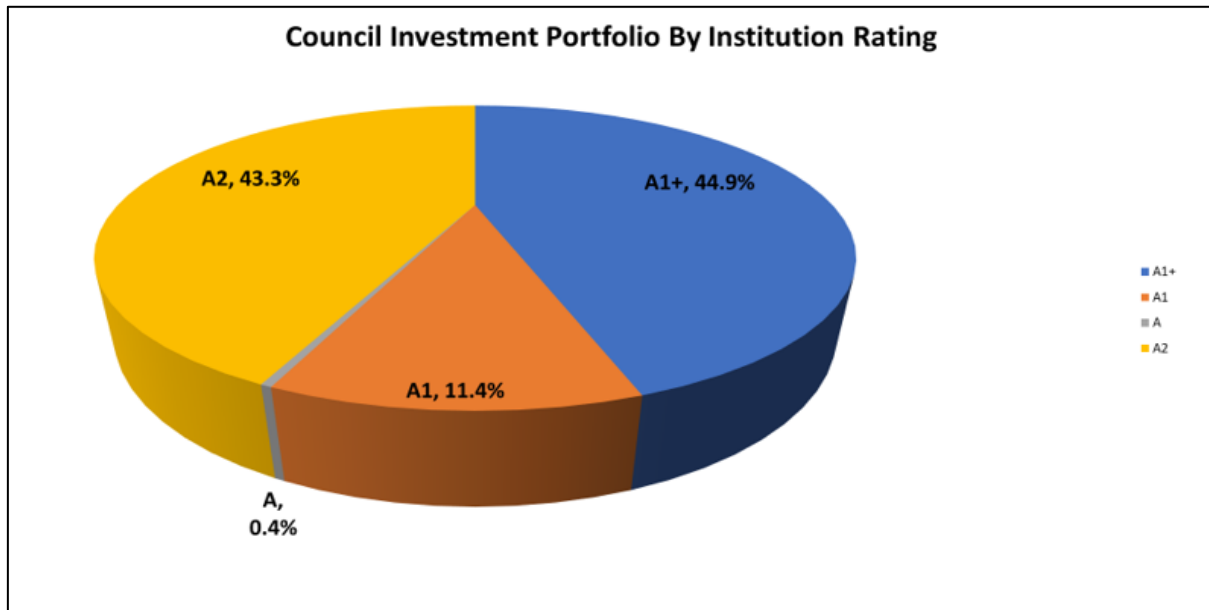
Clause 4.2.2 of Council's Investment Policy requires that the exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	50%	Yes
AA+			
AA			
AA-			
A+	A-1	40%	Yes
A			
A-			
BBB+	A-2	30%	Yes
BBB			
BBB-	A-3	10%	Yes
Unrated**TCorp Funds	Unrated**	5%	Yes (\$Nil)
Unrated***ADIs	Unrated***	\$250,000	Yes (\$Nil)

* Or Moody's / Fitch equivalents

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

*** Unrated ADIs Category is restricted to those ADIs that are under the Australian government guarantee scheme and limited to maximum \$250,000 per unrated ADI.



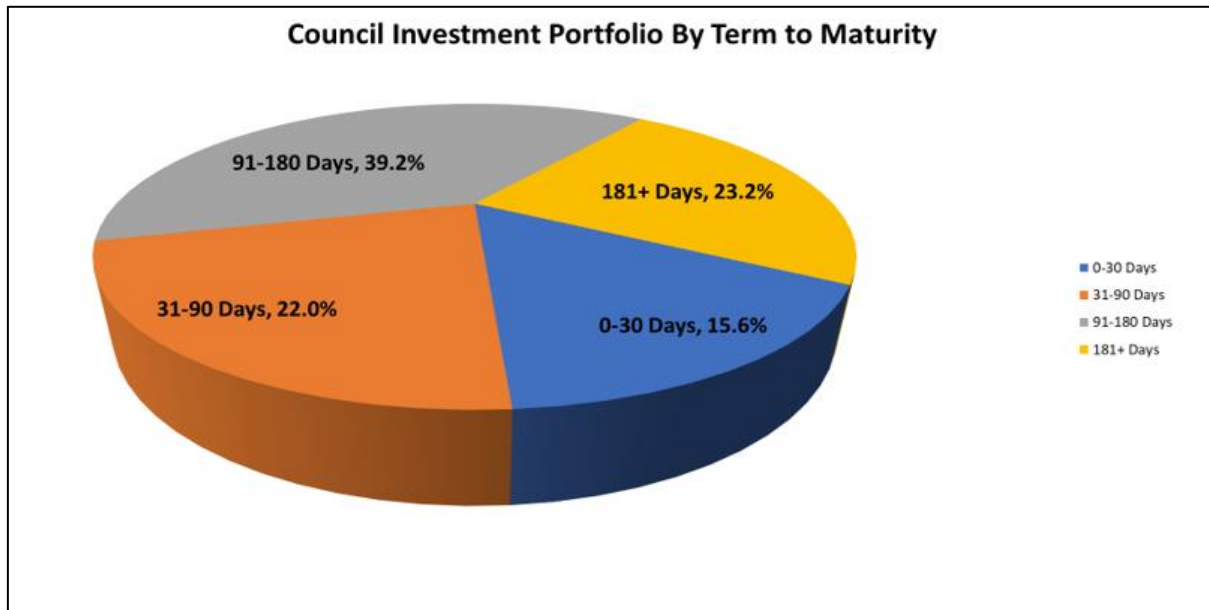
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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**	5%	Yes (\$Nil)

* Or Moody's / Fitch equivalents

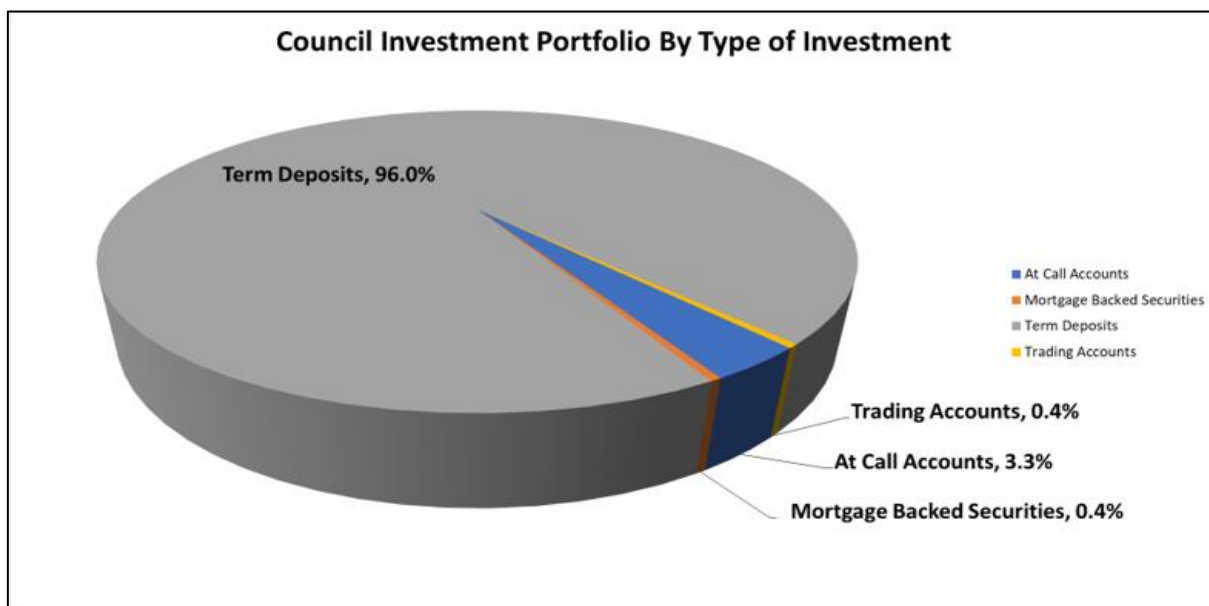
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



Term to Maturity Framework – Compliance with Investment Policy Requirements

Clause 4.2.4 of Council's Investment Policy requires Council's investment portfolio is to be invested within the following maturity constraints:

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



Investment Performance vs Benchmark

a) Portfolio Return vs Benchmark

	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 month	0.341%	0.28%
3 Months	0.967%	0.79%
FYTD	2.399%	1.97%
12 Months	2.617%	2.04%

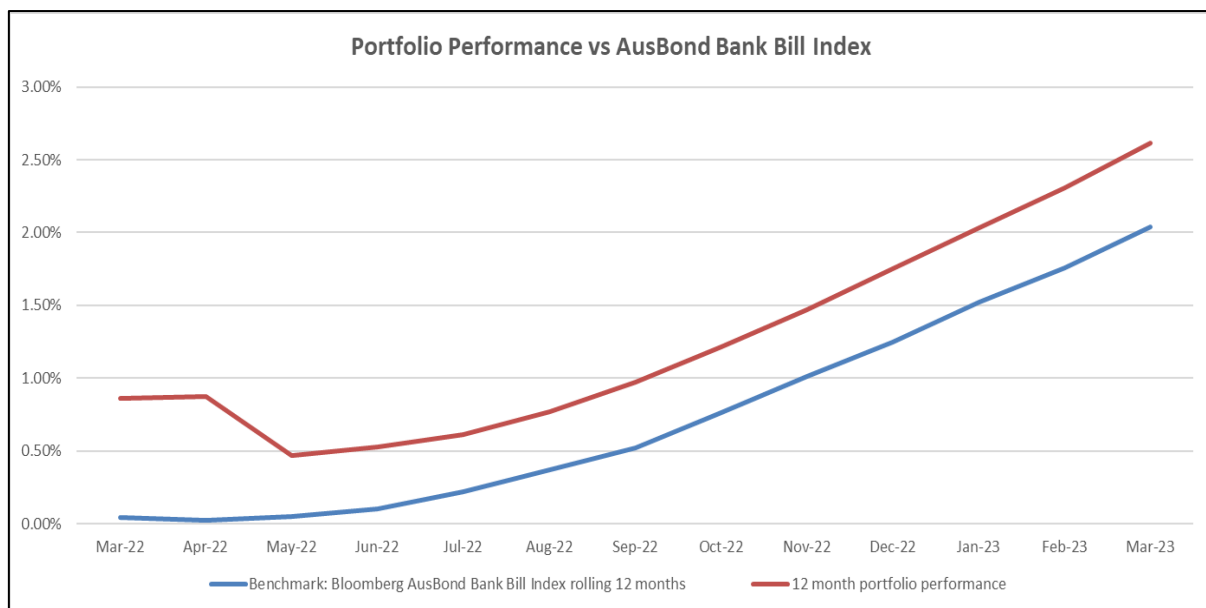
* Excludes trading account balances

Council's Investment Advisors have stated this form of portfolio reporting conforms to global investment performance standards and that these standards say that periods below 12 months should not be annualised.

The above table shows a comparison of Council's investment portfolio return to the benchmark. Council's Investment Advisor, Laminar Capital, has created an accumulation index for the portfolio which increases each month by the portfolio internal rate of return to enable meaningful comparison to the benchmark AusBond Bank Bill index, which is an accumulation index.

The Bloomberg AusBond Bank Bill Index is engineered to measure the Australian money market by representing a passively managed short term money market portfolio. This index is comprised of 13 synthetic instruments defined by rates interpolated from the RBA 24-hour cash rate, 1M BBSW, and 3M BBSW.

The portfolio achieved a return of 0.341% for the month of March which was 0.061% above the benchmark AusBond Bank Bill Index return of 0.28%. For the past 12 months the portfolio achieved a return of 2.617% which was 0.577% above the benchmark AusBond Bank Bill Index return of 2.04%.



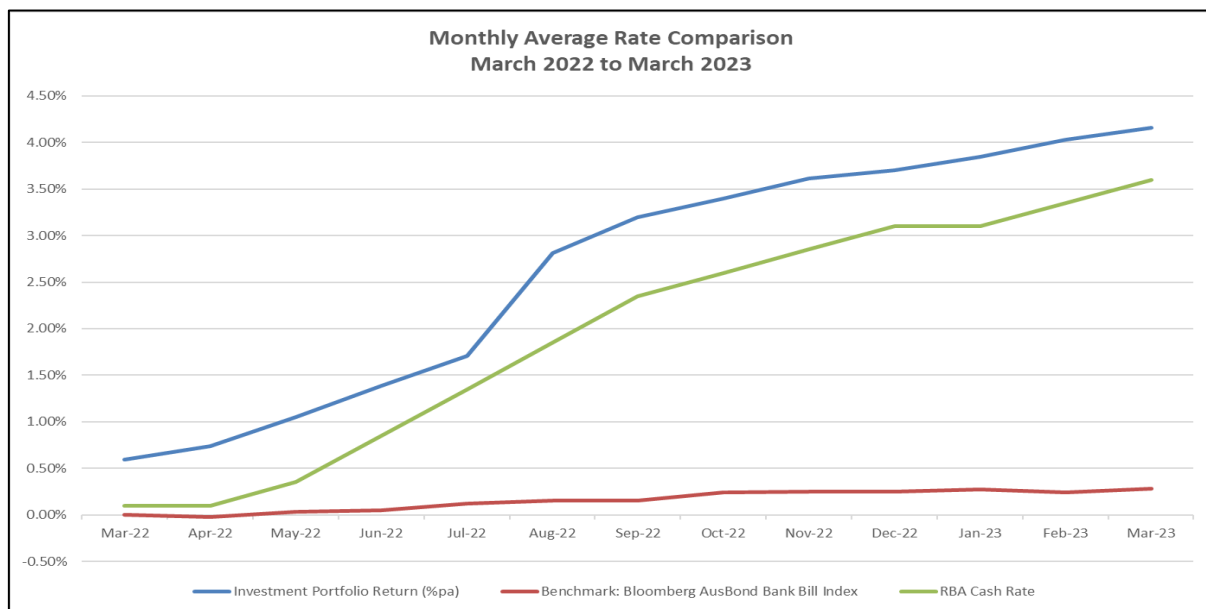
b) Portfolio Interest Rate vs Benchmarks

	Weighted Average Portfolio Interest Rate (%pa) *	Average Benchmark: AusBond Bank Bill Index	Average RBA Cash Rate
1 month	4.16%	0.28%	3.60%
3 Months	4.01%	0.26%	3.35%
6 Months	3.79%	0.26%	3.10%
FYTD	3.39%	0.22%	2.68%
12 Months	2.80%	0.17%	2.12%

* Excludes trading account balances

The above table shows the weighted average interest rate of the portfolio as at month end. This is an average of all the interest rates that each term deposit is earning. It is the current earning rate of the portfolio and this information is useful as it shows how the earning rate is changing each month in line with changes in market interest rates. Each time a term deposit matures during the month it is being reinvested at current interest rates. To facilitate meaningful comparison, the weighted average interest rate of the portfolio is compared to the average AusBond Bank Bill Index and average RBA Cash Rate for the same period.

The weighted average interest rate of the portfolio is 4.16% compared to 4.03% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 2.80% compared to the average AusBond Bank Bill movement of 0.17% and the average Reserve bank of Australia Cash Rate of 2.12%.

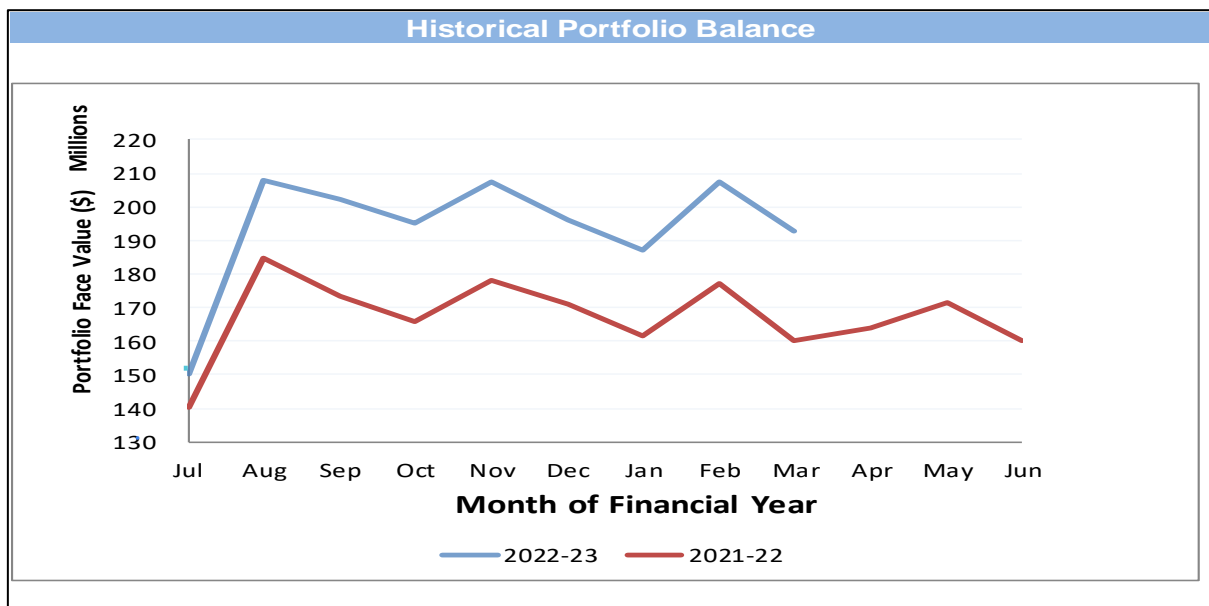


Monthly Investment Income* vs Budget

	March 2023 \$	Year to Date \$
Investment Income	711,160	4,688,329
Adjustment for Fair Value	(4)	15,742
Total Investment Income	711,156	4,704,071
Budgeted Income	51,100	460,600

*Includes all cash and investment holdings

Historical Portfolio Balance		
	2022-23	2021-22
Jul	150,084,380	140,264,007
Aug	207,972,249	184,686,438
Sep	202,385,068	173,325,287
Oct	195,360,642	166,006,688
Nov	207,563,253	178,085,861
Dec	196,306,324	170,911,655
Jan	187,257,340	161,545,259
Feb	207,336,465	176,973,362
Mar	192,847,150	160,133,548
Apr		163,852,294
May		171,636,374
Jun		160,160,643
Average Portfolio Balance	194,123,652	167,298,451



Statement of Compliance

Portfolio Performance vs Bank Bill Index over 12-month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs Budget	✓	Council's income from investments did exceed monthly budget.

Investment Policy Compliance

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

Restricted cash, cash equivalents and investments

The breakdown of restrictions is not available for the current month within the timeframe for the completion of the Monthly Investment Report. Accordingly, the total cash and investments and restrictions related thereto are presented for the previous month.

At the end of February 2023 total cash & investments were \$207,336,465 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	52,143,774	25.15%
Internally Restricted	89,748,366	43.29%
Total Restricted	141,892,140	68.44%
Unrestricted	65,444,325	31.56%
Total	\$207,336,465	100.00%

ECONOMIC NOTES

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

Government bond yields fell sharply in March reflecting a marked change in market view towards believing central banks' official interest rates are at, or close to their peak, and will be cut two or three times over the next year. Falling bond yields are heralding recession with collapses and rescues of US and Swiss banks during the month bringing to sharper focus the risk of weaker economic growth ahead. Major share markets, in contrast, took comfort from the notion that official interest rates are close to peaking and rallied through the second half of the month seeming more confident that central banks will avoid recession. Central banks, however, even while dealing with banking spot fires, have not changed their guidance materially. They mostly continued to hike official interest rates in March and although conceding they are closer to the end of their rate hiking cycle they still worry about high inflation.

Bond yields fell sharply in March with news of difficulties affecting some US regional banks, most notably the large Silicon Valley Bank. The US authorities, including the Federal Reserve promptly announced specific measures to deal with the particular problems of the affected banks. In Switzerland, Credit Suisse experienced difficulties too and the response by the Swiss authorities while positioning the bank for sale, left the hybrid securities issued by the bank without support. While banking problems seemed contained by month-end, they also seemed to add downside risk to economic growth prospects already dampened by the rapid rise in official interest rates.

In Australia, government bond yields also rallied sharply in March with the 10-year yield falling by 56bps to 3.29% and at the short-end of the yield curve, the 2-year bond yield falling 79bps to 2.94%. The RBA has a stronger case than the US Federal Reserve to consider a pause in its rate-hiking program. Australian economic indicators are showing more signs of softening than US economic indicators under pressure from rising interest rates. Essentially, Australian households are more heavily indebted than their US counterparts and are more susceptible to movements in variable borrowing interest rates and short-term fixed borrowing interest rates than borrowers in the US who are mostly long-term fixed rate borrowers.

Also, much of the ten consecutive rate hikes delivered by the RBA through to March is still in the pipeline for borrowers. With already some evidence of slowing economic activity in Australia and the likelihood of more slowing ahead, there is a case for the RBA to pause and take stock. After the early-March policy meeting when the RBA hiked 25bps to 3.60%, the minutes of the meeting show the board considering a pause at its next meeting in April. That meeting is a line-ball call between a pause at 3.60% and another 25bps hike to 3.85%. Whatever the decision, the RBA is clearly close to the rate peak for this cycle.

The Australian bond market, however, is looking for a sharp reduction in the cash rate over the next year or two. That seems unlikely. There are factors in play that will make reducing Australian inflation to the RBA's 2-3% target difficult. The first factor is the push for higher wages to compensate for past very high inflation seemingly supported by the Federal Government. The second is stickily high housing costs as the post-pandemic rush to bring in migrants to help fill labour market shortages adds demand to housing in chronic under-supply. We see the RBA needing to hold the cash rate at its peak in to 2024 and even when it starts to cut rates, the room to cut looks small.

The US and Swiss banking issues in March, although largely resolved, took a toll on credit markets where yield spreads, including Australian yield spreads, widened. Australian banks remain very strong and suffer none of the issues that caused problems for some US regional banks and Credit Suisse in March. Also, Australian credit default rates although starting to lift remain very low by historical comparison. While borrowing interest rates have lifted and are still lifting sharply for borrowers rolling off two-and-three-year fixed rate contracts set in 2020 and 2021, buffers from past build-up of savings plus the expectation of the rate changes ahead at roll-over mean that there is little reason to expect an untoward lift in default rates over coming months.

ITEM 9.4	MONTHLY INVESTMENT REPORT - APRIL 2023
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2023/271723
ATTACHMENTS	NIL

SUMMARY

PURPOSE

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

EXECUTIVE SUMMARY

In accordance with section 212 of the Local Government (General) Regulation 2021, 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 \$180,536,376 comprising:

- Trading Accounts \$2,254,439
- Investments \$178,281,937

The portfolio achieved a return of 0.349% for the month of April which was 0.049% above the benchmark AusBond Bank Bill Index return of 0.30%. For the past 12 months the portfolio achieved a return of 2.92% which was 0.55% above the benchmark AusBond Bank Bill Index return of 2.37%.

The weighted average interest rate of the portfolio is 4.27% compared to 4.16% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 3.10% compared to the average Ausbond Bank Bill movement of 0.19% and the average Reserve Bank of Australia Cash Rate of 2.41%.

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*, section 212 of the Local Government (General) Regulation 2021 and existing Investment Policies.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the Investment Report as at 30 April 2023, including the certification by the Responsible Accounting Officer.

REPORT

BACKGROUND

In accordance with section 212 of the Local Government (General) Regulation 2021, a report setting out the details of money invested must be presented to Council on a monthly basis.

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

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2022 to date was \$5,355,473 compared to budgeted income of \$509,200, a positive variance of \$4,846,273.

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

A revised Investment Policy was adopted by Council at its meeting on 26 July 2022. The Policy is reviewed annually by the Audit, Risk and Improvement Committee. It was reviewed by the Committee at their meeting in December 2022, and no changes to the Policy were proposed, with the next review by the Committee due by December 2023.

Council's Investment Strategy was reviewed in November 2022 by Council's Investment Advisors, Laminar Capital Pty Ltd, who confirmed that the current policy "remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet" and that they "do not recommend any changes to the list of approved investments or credit limit frameworks".

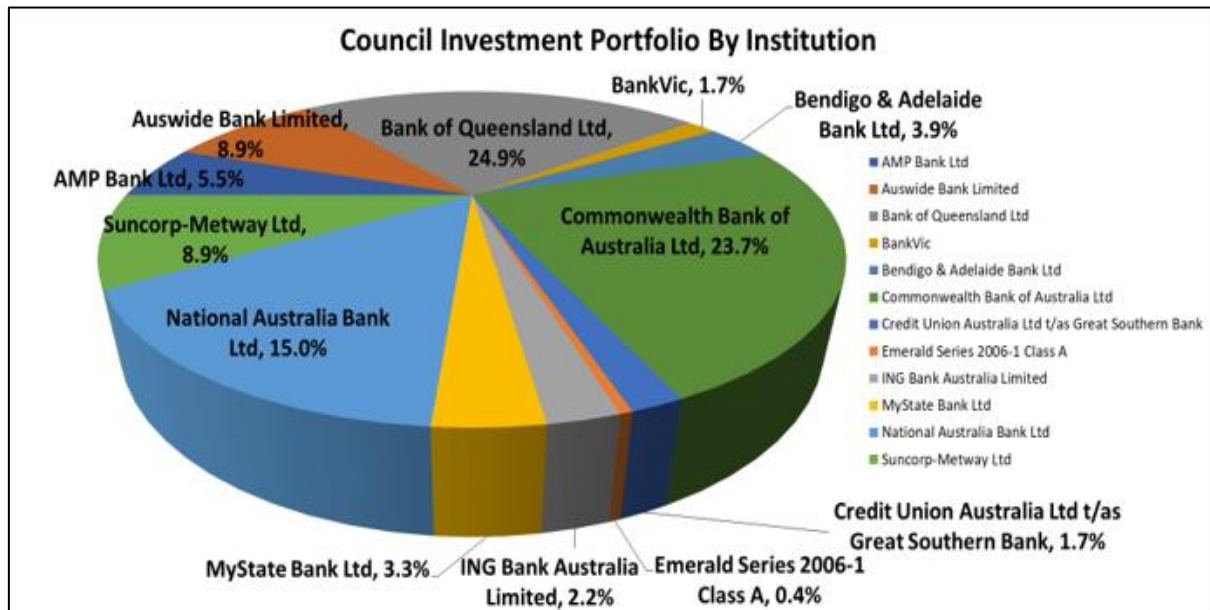
Investment Balances

INVESTMENT BALANCES					
As at 30-Apr-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,219,631			3.65%
National Australia Bank Ltd	A1+	7,942			3.60%
		1,227,573			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	3,001,253		At Call	3.70%
		3,001,253			
Mortgage Backed Securities					
Emerald Series 2006-1 Class A	A*	697,240	17-Jul-06	21-Aug-51	3.9494%
		697,240			
Term Deposits					
Bank of Queensland Ltd	A2	2,000,000	31-Aug-22	02-May-23	3.76%
Bank of Queensland Ltd	A2	2,000,000	31-Aug-22	04-May-23	3.76%
Bank of Queensland Ltd	A2	3,000,000	31-Aug-22	09-May-23	3.76%
Bank of Queensland Ltd	A2	2,000,000	21-Sep-22	11-May-23	4.00%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	18-Oct-22	16-May-23	4.10%
Suncorp-Metway Ltd	A1	2,000,000	25-Oct-22	16-May-23	4.26%
Suncorp-Metway Ltd	A1	2,000,000	25-Oct-22	18-May-23	4.26%
Bank of Queensland Ltd	A2	3,000,000	31-Aug-22	23-May-23	3.85%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	18-Oct-22	25-May-23	4.10%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	01-Sep-22	06-Jun-23	3.91%
Suncorp-Metway Ltd	A1	2,000,000	03-Nov-22	08-Jun-23	4.28%
Suncorp-Metway Ltd	A1	2,000,000	03-Nov-22	13-Jun-23	4.28%
MyState Bank Ltd	A2	2,000,000	09-Sep-22	14-Jun-23	3.90%
Suncorp-Metway Ltd	A1	2,000,000	22-Nov-22	15-Jun-23	4.22%
MyState Bank Ltd	A2	3,000,000	09-Sep-22	20-Jun-23	3.90%
National Australia Bank Ltd	A1+	2,000,000	15-Nov-22	22-Jun-23	4.12%
National Australia Bank Ltd	A1+	2,000,000	15-Nov-22	27-Jun-23	4.12%
National Australia Bank Ltd	A1+	2,000,000	15-Nov-22	29-Jun-23	4.13%
AMP Bank Ltd	A2	3,500,000	25-Aug-22	04-Jul-23	4.10%
MyState Bank Ltd	A2	1,000,000	29-Sep-22	06-Jul-23	4.35%
Auswide Bank Limited	A2	2,000,000	07-Dec-22	06-Jul-23	4.40%
Suncorp-Metway Ltd	A1	2,000,000	17-Nov-22	11-Jul-23	4.21%
Suncorp-Metway Ltd	A1	2,000,000	17-Nov-22	13-Jul-23	4.21%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	01-Sep-22	18-Jul-23	4.02%
Suncorp-Metway Ltd	A1	2,000,000	22-Nov-22	20-Jul-23	4.24%
Auswide Bank Limited	A2	3,000,000	30-Nov-22	25-Jul-23	4.40%
Auswide Bank Limited	A2	2,000,000	30-Nov-22	27-Jul-23	4.40%
Bank of Queensland Ltd	A2	3,000,000	30-Aug-22	01-Aug-23	4.05%
Bank of Queensland Ltd	A2	2,000,000	01-Sep-22	03-Aug-23	4.05%
Auswide Bank Limited	A2	2,000,000	30-Nov-22	08-Aug-23	4.40%
Auswide Bank Limited	A2	2,000,000	30-Nov-22	10-Aug-23	4.40%
Auswide Bank Limited	A2	3,000,000	30-Nov-22	15-Aug-23	4.40%
Auswide Bank Limited	A2	2,000,000	07-Dec-22	17-Aug-23	4.40%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	22-Aug-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	24-Aug-23	4.25%
Bank of Queensland Ltd	A2	3,000,000	25-Jan-23	29-Aug-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	05-Sep-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	07-Sep-23	4.55%
Bank of Queensland Ltd	A2	3,000,000	16-Feb-23	12-Sep-23	4.55%

INVESTMENT BALANCES					
As at 30-Apr-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Term Deposits (continued)					
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	14-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	19-Sep-23	4.55%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Sep-22	21-Sep-23	4.32%
Bank of Queensland Ltd	A2	3,000,000	16-Feb-23	26-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	28-Sep-23	4.55%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	03-Oct-23	4.59%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	05-Oct-23	4.60%
National Australia Bank Ltd	A1+	3,000,000	23-Feb-23	10-Oct-23	4.61%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	12-Oct-23	4.67%
National Australia Bank Ltd	A1+	2,000,000	16-Feb-23	17-Oct-23	4.60%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	19-Oct-23	4.68%
AMP Bank Ltd	A2	1,100,000	25-Oct-22	24-Oct-23	4.85%
AMP Bank Ltd	A2	900,000	25-Oct-22	24-Oct-23	4.85%
Bank of Queensland Ltd	A2	1,000,000	23-Mar-23	24-Oct-23	4.60%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	26-Oct-23	4.65%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	31-Oct-23	4.71%
National Australia Bank Ltd	A1+	2,000,000	01-Mar-23	02-Nov-23	4.72%
Bank of Queensland Ltd	A2	3,000,000	06-Apr-23	07-Nov-23	4.80%
AMP Bank Ltd	A2	2,500,000	20-Apr-23	09-Nov-23	4.95%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	27-Apr-23	14-Nov-23	4.50%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Dec-22	21-Nov-23	4.52%
Bank of Queensland Ltd	A2	1,000,000	23-Mar-23	21-Nov-23	4.60%
ING Bank Australia Limited	A1	4,000,000	31-Jan-23	05-Dec-23	4.57%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	27-Apr-23	07-Dec-23	4.50%
BankVic	A2	3,000,000	16-Mar-23	19-Dec-23	4.80%
Credit Union Australia Ltd t/as Great Southern Ba	A2	3,000,000	31-Jan-23	30-Jan-24	4.65%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	28-Feb-23	27-Feb-24	5.02%
National Australia Bank Ltd	A1+	2,000,000	01-Mar-23	29-Feb-24	5.00%
AMP Bank Ltd	A2	2,000,000	28-Mar-23	05-Mar-24	4.90%
		150,000,000			
Kimbriki Environmental Enterprises Pty Ltd					
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,026,866			3.55%
		1,026,866			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	528,092		At Call	3.70%
Commonwealth Bank of Australia Ltd	A1+	1,431,969		At Call	3.70%
		1,960,062			
Term Deposits					
Commonwealth Bank of Australia Ltd	A1+	1,500,000	04-Oct-22	04-May-23	4.07%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	15-Dec-22	01-Jun-23	4.17%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	09-Jan-23	07-Jul-23	4.37%
Commonwealth Bank of Australia Ltd	A1+	1,500,000	01-Feb-23	01-Aug-23	4.37%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	06-Feb-23	01-Aug-23	4.38%
Commonwealth Bank of Australia Ltd	A1+	13,893,187	28-Aug-22	28-Aug-23	4.12%
Commonwealth Bank of Australia Ltd	A1+	730,194	09-Jan-23	28-Aug-23	4.43%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	14-Apr-23	04-Sep-23	4.28%
		22,623,382			
Total Cash and Investments		180,536,376			

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

Portfolio Analysis



Institutional Credit Framework – Compliance with Investment Policy Requirements

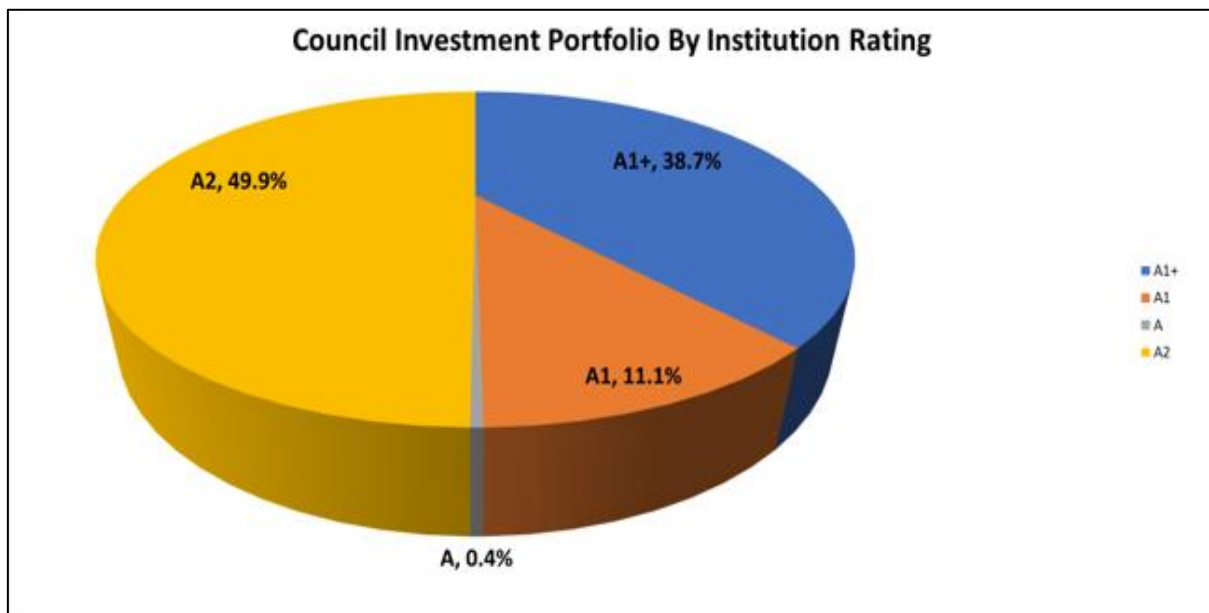
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S&P Long Term Rating*	S&P Short Term Rating*	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	50%	Yes
AA+			
AA			
AA-			
A+	A-1	40%	Yes
A			
A-	A-2	30%	Yes
BBB+			
BBB			
BBB-	A-3	10%	Yes
Unrated**TCorp Funds	Unrated**	5%	Yes (\$Nil)
Unrated***ADIs	Unrated***	\$250,000	Yes (\$Nil)

* Or Moody's / Fitch equivalents

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

*** Unrated ADIs Category is restricted to those ADIs that are under the Australian government guarantee scheme and limited to maximum \$250,000 per unrated ADI.



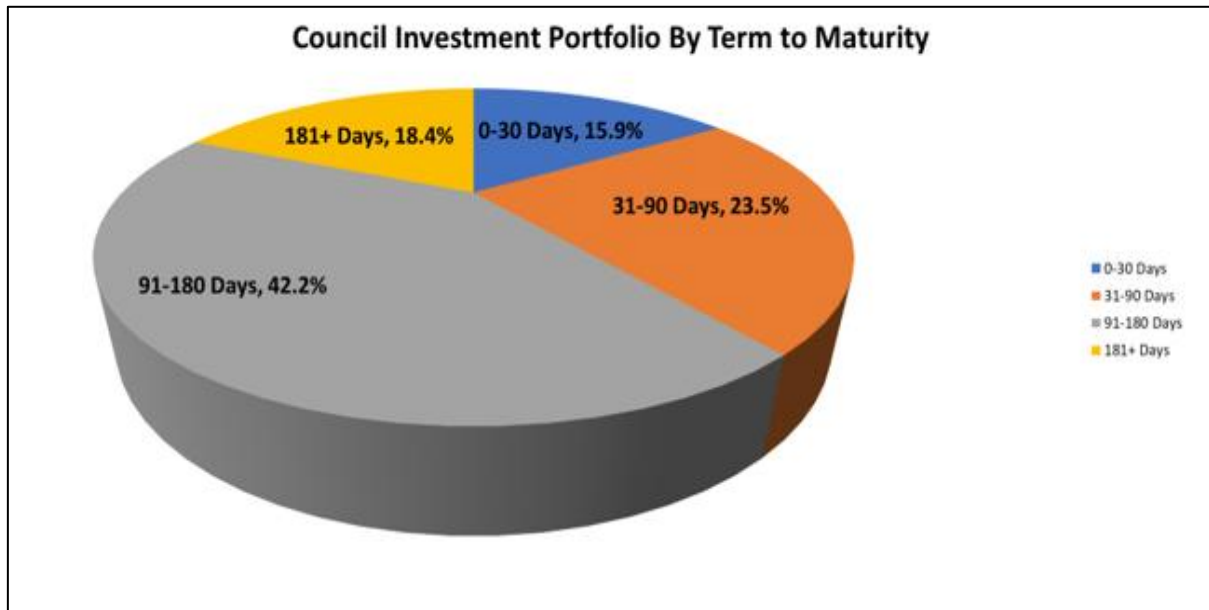
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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**	5%	Yes (\$Nil)

* Or Moody's / Fitch equivalents

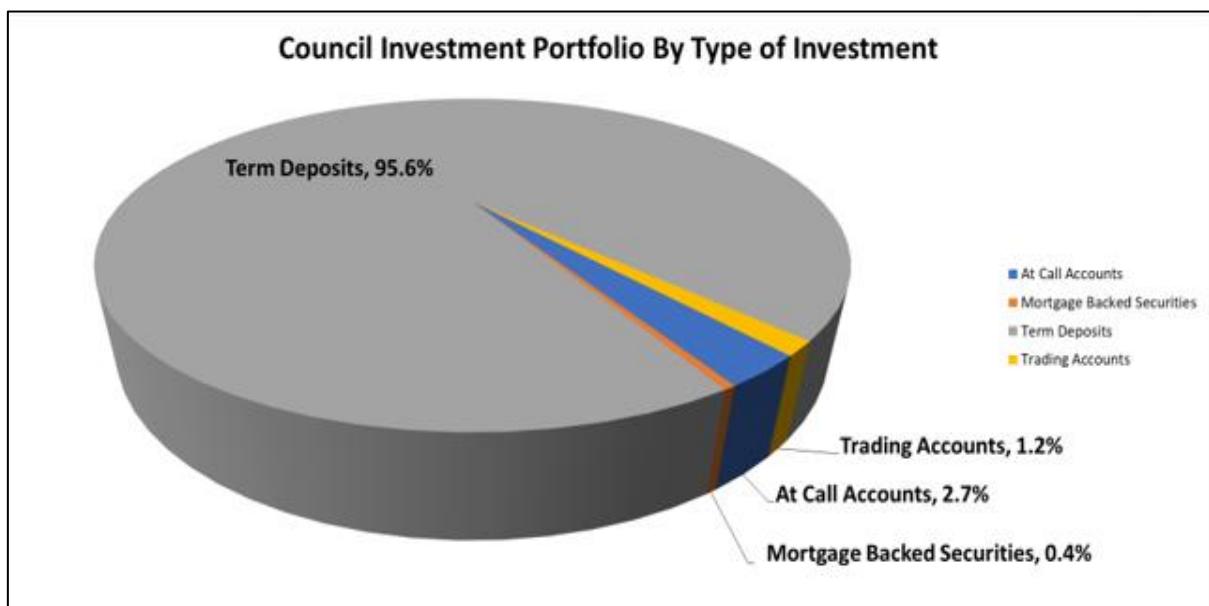
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



Term to Maturity Framework – Compliance with Investment Policy Requirements

Clause 4.2.4 of Council's Investment Policy requires Council's investment portfolio is to be invested within the following maturity constraints:

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



Investment Performance vs Benchmark

a) Portfolio Return vs Benchmark

	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 month	0.349%	0.30%
3 Months	1.001%	0.83%
FYTD	2.782%	2.28%
12 Months	2.920%	2.37%

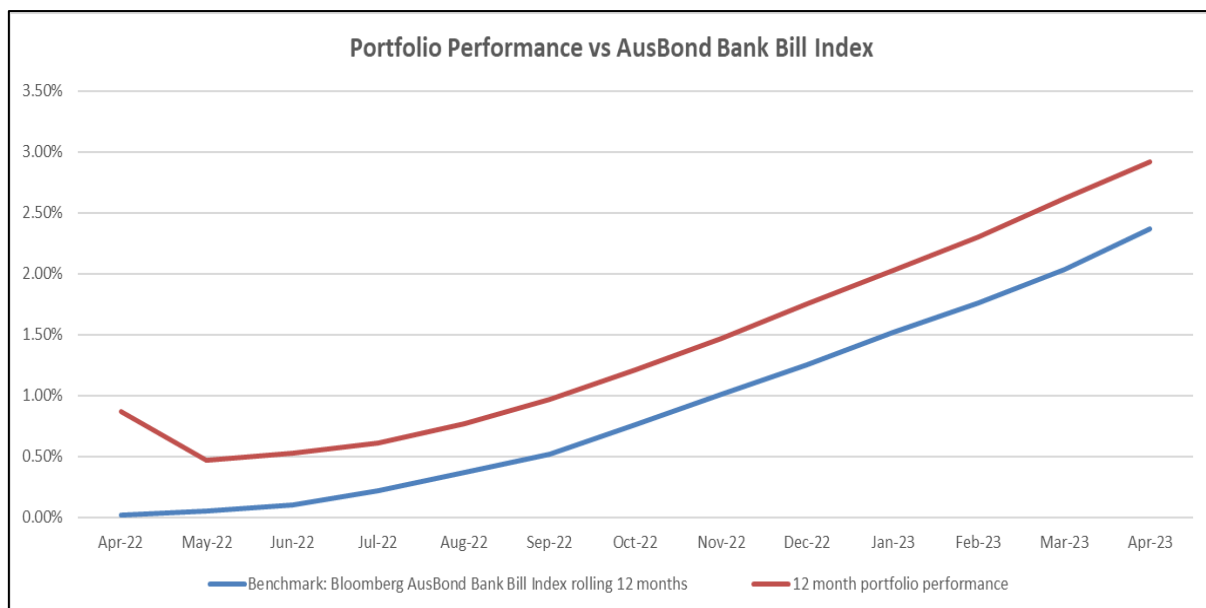
* Excludes trading account balances

Council's Investment Advisors have stated this form of portfolio reporting conforms to global investment performance standards and that these standards say that periods below 12 months should not be annualised.

The above table shows a comparison of Council's investment portfolio return to the benchmark. Council's Investment Advisor, Laminar Capital, has created an accumulation index for the portfolio which increases each month by the portfolio internal rate of return to enable meaningful comparison to the benchmark AusBond Bank Bill index, which is an accumulation index.

The Bloomberg AusBond Bank Bill Index is engineered to measure the Australian money market by representing a passively managed short term money market portfolio. This index is comprised of 13 synthetic instruments defined by rates interpolated from the RBA 24-hour cash rate, 1M BBSW, and 3M BBSW.

The portfolio achieved a return of 0.349% for the month of April which was 0.049% above the benchmark AusBond Bank Bill Index return of 0.30%. For the past 12 months the portfolio achieved a return of 2.92% which was 0.55% above the benchmark AusBond Bank Bill Index return of 2.37%.



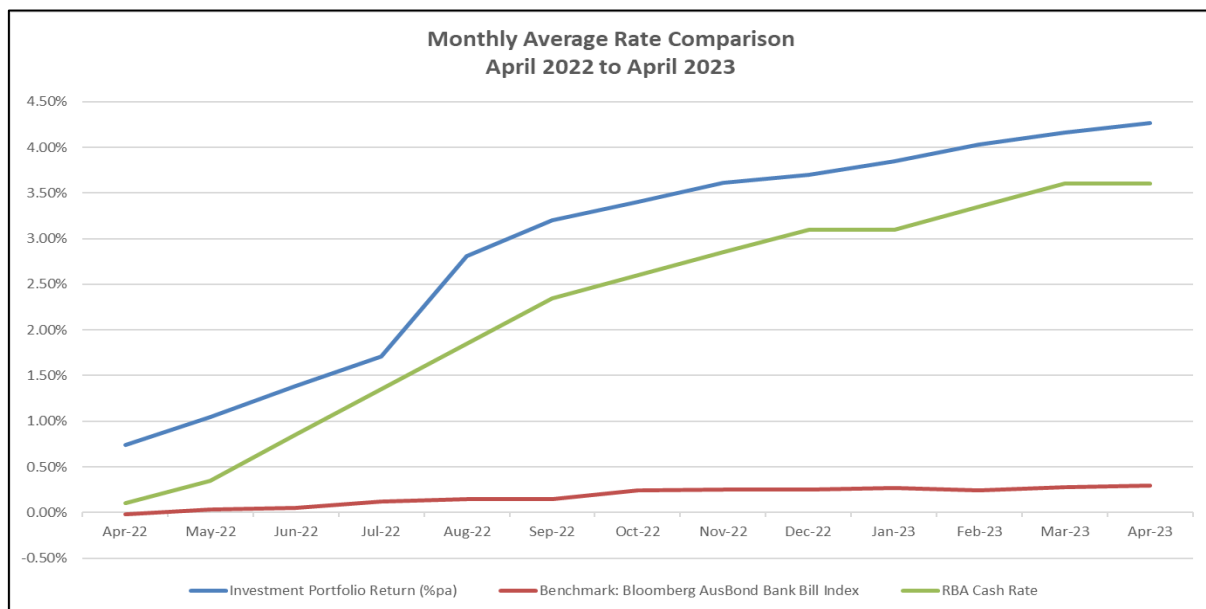
b) Portfolio Interest Rate vs Benchmarks

	Weighted Average Portfolio Interest Rate (%pa) *	Average Benchmark: AusBond Bank Bill Index	Average RBA Cash Rate
1 month	4.27%	0.30%	3.60%
3 Months	4.15%	0.27%	3.52%
6 Months	3.94%	0.27%	3.27%
FYTD	3.47%	0.23%	2.78%
12 Months	3.10%	0.19%	2.41%

* Excludes trading account balances

The above table shows the weighted average interest rate of the portfolio as at month end. This is an average of all the interest rates that each term deposit is earning. It is the current earning rate of the portfolio and this information is useful as it shows how the earning rate is changing each month in line with changes in market interest rates. Each time a term deposit matures during the month it is being reinvested at current interest rates. To facilitate meaningful comparison, the weighted average interest rate of the portfolio is compared to the average AusBond Bank Bill Index and average RBA Cash Rate for the same period.

The weighted average interest rate of the portfolio is 4.27% compared to 4.16% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 3.10% compared to the average Ausbond Bank Bill movement of 0.19% and the average Reserve bank of Australia Cash Rate of 2.41%.

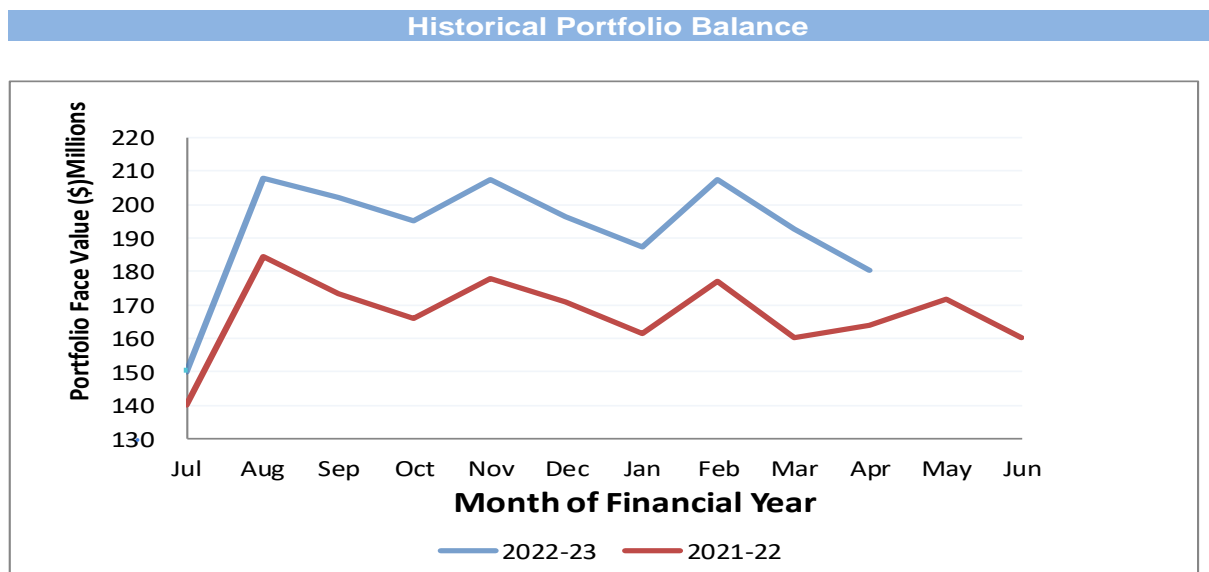


Monthly Investment Income* vs Budget

	April 2023 \$	Year to Date \$
Investment Income	651,399	5,339,728
Adjustment for Fair Value	3	15,745
Total Investment Income	651,402	5,355,473
Budgeted Income	48,600	509,200

*Includes all cash and investment holdings

Historical Portfolio Balance		
	2022-23	2021-22
Jul	150,084,380	140,264,007
Aug	207,972,249	184,686,438
Sep	202,385,068	173,325,287
Oct	195,360,642	166,006,688
Nov	207,563,253	178,085,861
Dec	196,306,324	170,911,655
Jan	187,257,340	161,545,259
Feb	207,336,465	176,973,362
Mar	192,847,150	160,133,548
Apr	180,536,376	163,852,294
May		171,636,374
Jun		160,160,643
Average Portfolio Balance	192,764,925	167,298,451



Statement of Compliance

Portfolio Performance vs Bank Bill Index over 12-month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs Budget	✓	Council's income from investments did exceed monthly budget.

Investment Policy Compliance

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

Restricted cash, cash equivalents and investments

The breakdown of restrictions is not available for the current month within the timeframe for the completion of the Monthly Investment Report. Accordingly, the total cash and investments and restrictions related thereto are presented for the previous month.

At the end of March 2023 total cash & investments were \$192,847,150 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	52,020,500	26.97%
Internally Restricted	88,452,895	45.87%
Total Restricted	140,473,395	72.84%
Unrestricted	52,373,755	27.16%
Total	192,847,150	100.00%

ECONOMIC NOTES

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

In April, economic indicators showed moderating global economic growth for the most part, but with inflation still high enough to concern most central banks. China was an exception with growth gathering pace, but with low inflation. The softening in economic activity in other major economies was still mostly in goods-producing sectors with demand for services staying firm. Earlier fears about the problems in Credit Suisse and some regional US banks becoming more widespread faded. Central banks reaffirmed their commitment to contain high inflation and government bond markets gave up some of the yield falls recorded in March as it became clear that more central bank rate hikes may lie ahead, and peak official cash rates once achieved may linger for longer.

In the US, most economic reports released in April show some signs of slowing growth in economic activity but a labour market still tight enough to support high wage growth and make the Federal Reserve's task bringing inflation down to 2% target a slow affair. The headline CPI rose by 0.1% m-o-m in March taking annual inflation down from 6.0% y-o-y in February to 5.0% in March. The underlying CPI excluding food and energy prices however was stickier, up 0.4% m-o-m with the annual inflation rate lifting one notch to 5.6% y-o-y. Tight US labour market readings say that inflation will remain sticky for some time. Non-farm payrolls rose by 236,000 in March after lifting 326,000 in February. The unemployment rate fell one notch to 3.5% in March, close to a half-century low point and average hourly earnings rose by 0.3% m-o-m, 4.2% y-o-y.

In China, economic releases in April show continuing recovery after the policy reversals away from restrictions late last year and early this year. GDP rose 2.2% q-o-q, 4.5% y-o-y in Q1 2023 marking China as the only major economy likely to experience accelerating economic growth this year. Further signs of accelerating growth show in March economic readings. March fixed asset investment spending is up 5.1% y-o-y, industrial production is up 3.0% y-o-y and retail sales are up 10.6% y-o-y. While the lift in retail sales in March marks strong revival in domestic spending in China, external demand is contributing to growth too. China's export growth is up to +14.8% y-o-y in March, up sharply from -6.8% y-o-y in February. While China's accelerating growth marks it apart from other major economies it is also exceptional in experiencing low inflation. China's CPI is down 0.3% m-o-m in March taking annual inflation down to 0.7% y-o-y from 1.0% in February. Low inflation provides the Peoples' Bank of China leeway to ease monetary conditions if needed.

In Europe, Q1 2023 GDP growth out later this week is likely to show growth around 0.2% q-o-q taking the annual growth rate down to around 1.2% y-o-y from 1.8% in Q4 2022. Essentially European economic growth is decelerating but not to the point that threatens recession in the immediate term. Leading economic indicators point to softer manufacturing activity with the April manufacturing PMI down to 45.5 from 47.3 in March but with the services PMI lifting to 56.6 in April from 55.0 in March. Europe's inflation rate is declining. The March CPI is down to 6.9% y-o-y from 8.5% in February, but the core CPI is sticky, edging up to 5.7% from 5.6% in February. Europe's labour market remains very tight with the unemployment rate at a quarter-century low 6.6% in both January and February. The European Central Bank hiked its deposit rate 50bps to 3.50% at its last policy meeting in March and is likely to hike again by at least 25bps at its next policy meeting in early May.

In Australia, economic indicators released in April have been mostly firmer than expected and point to the RBA needing to hike the cash rate further. The labour market remains very tight with another large employment gain in March, up 53,000, keeping the unemployment rate down at 3.5%, close to a half-century low. The risk is that with the unemployment rate staying so low, annual wage growth will accelerate quickly from around 3% in late 2022 to above 4% by late 2023. Annual wage growth needs to be consistent with the RBA's 2-3% inflation target, not where inflation has been. With persistently low unemployment the wage growth dial could move towards too much compensation for recent high inflation. Australian annual inflation is past its peak with the February CPI down to 6.8% y-o-y from 7.4% in January and the Q1 2023 CPI out this week likely to show a decline in annual inflation to around 6.9% y-o-y from 7.8% in Q4 2022.

ITEM 9.5	PROCEDURAL REPORT - CLOSURE OF OUTSTANDING ITEMS
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2023/201465
ATTACHMENTS	NIL

BRIEF REPORT

PURPOSE

To conclude further action on two resolutions of Council.

REPORT

To facilitate the closure and conclusion of further work on the following two Council resolutions, a new resolution of the Council is required. Reasons for the proposed closures are provided below.

Resolution 232/19 - Honouring the Contribution of our Local Former Elected Representatives

At the 23 July 2019 Council meeting Council resolved (232/19):

That staff:

- A. *Identify existing structures or locations, or identify a new structure or location, within the Northern Beaches local government area which can be named in honour of:*
 - a. *former Prime Minister and Member for Warringah, Tony Abbott;*
 - b. *former NSW Premier and Member for Manly, Mike Baird; and*
 - c. *former Mayor of Manly, Jean Hay AM.*
- B. *Report back to Council within three months with recommendations and outlining any costings for the above.*

Whilst several potential naming options have been identified for each individual, following a briefing with councillors none were considered worthy to honour the contributions of the individuals named. An alternative option for the creation of a portrait display did not achieve a consensus.

In the absence of a viable option to proceed with, it is recommended Council conclude any further work on this matter.

Resolution 347/21 - Proposed and Existing 4G and 5G Infrastructure on the Northern Beaches

At the 23 November 2021 Council meeting, Council resolved (347/21):

That:

- 1. *Council note community concern in regard to possible health impacts of proposed and existing 4G and 5G infrastructure on the Northern Beaches.*
- 2. *Council facilitate a community forum with a panel of key stakeholders to address community concerns in relation to 4G and 5G infrastructure.*
- 3. *Council delegate to the Chief Executive Officer the task of doing all things necessary to facilitate this meeting by 31 March 2022.*
- 4. *The event be streamed live, recorded and published on Council's website.*

5. *A summary of the meeting be reported to Council for its further consideration.*

Council staff have made efforts to engage with key stakeholders with regards to the proposed community forum including:

- The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)
- Oceania Radiofrequency Scientific Advisory Association (ORSAA)
- The International Commission on Non-Ionizing Radiation Protection (ICNIRP)
- Australian Communications and Media Authority (ACMA)
- Telstra
- Optus
- Other identified subject matter experts in this field.

Unfortunately, ARPANSA, which is the Australian Government's primary authority on radiation protection and nuclear safety, has declined to participate and Council has had no response from the telecommunications industry.

In the absence of participation and engagement from key stakeholders in this field, it is not possible for Council to host a balanced and informative community forum. It is recommended the matter be concluded.

LINK TO COUNCIL STRATEGY

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

FINANCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

Resolution 347/21 originated from a Notice of Motion responding to correspondence from community members to Councillors with concerns regarding 4G and 5G infrastructure.

GOVERNANCE AND RISK CONSIDERATIONS

This Council report is in accordance with section 372(1) of the *Local Government Act 1993* which provides that *"A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the council's code of meeting practice."*

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

1. Note the report provided with regards to resolutions 232/19 and 347/21.
 2. Consider resolutions 232/19 and 347/21 closed with no further action required.
-

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1	AVALON CUSTOMER CONTACT CENTRE
REPORTING MANAGER	EXECUTIVE MANAGER EARLY LEARNING AND CUSTOMER SERVICES
TRIM FILE REF	2023/271702
ATTACHMENTS	1 Avalon Customer Service Photos and Promotional

SUMMARY

PURPOSE

To report back to Council on the Avalon Customer Contact Centre as per Council resolution 400/22.

EXECUTIVE SUMMARY

At the Council meeting held on 13 December 2022, Council resolved (resolution 400/22):

1. *The CEO defers and reviews this matter until after road and civil works towards the Avalon Shared Spaces project are complete or the March 2023 Council meeting – whichever is later.*
2. *Staff immediately improve signposting for the Avalon Customer Contact Centre and inform residents that it is operational via social media and local print media.*
3. *Staff investigate ways of improving the centre, including establishing of a tourist information bureau or other services.*

Council operates 4 Customer Contact Centres at Manly, Dee Why, Mona Vale and Avalon. Each Contact Centre offers a full range of services and is open 5 days per week between 8.30am and 5pm.

The COVID-19 pandemic changed the operating model of Council's Customer Contact Centres. Public Health Orders and gathering restrictions prevented staff from offering face-to-face service to our customers and alternative methods to provide high quality service were developed. For a time, Council closed all its face-to-face contact centres and progressively re-opened centres as Public Health orders allowed to ensure the highest level of service and safety for customers who chose to transact with Council in person. Community members and customers embraced alternative delivery models such as online Customer Requests over this time.

Since all services re-opened in full on 1 March 2022, data relating to customer service visits has been collected at each contact centre. The data provides an analysis of the number of visits and the type of transactions / services that are being provided for the period 1 March 2022 to 30 April 2023. The data demonstrates the Avalon branch is accessed less by the local community with an average of 13 visits per day compared to other locations.

The Avalon Customer Contact Centre was closed for the majority of 2020 and 2021, due to the pandemic and requests from NSW Health and the NSW Electoral Commission to use the facility. Generally, there was little feedback from the community during these closures, with Council responding to fewer than 10 requests over this time as to the closure of the service. It is also noted that a number of these customers did not seek to make a transaction or access a service, rather they were enquiring about a future re-opening date.

As Council continues to evolve its business systems, there is a strong emphasis on creating customer-centric processes and using advances in technology to provide opportunities to enhance the customer experience. At present nearly all transactions with Council can be undertaken without the need to attend in person. Data and customer feedback has shown that in-person visits are usually related to the customer seeking advice or assistance rather than making a payment or transaction of some type.

In keeping with quality service provision and to meet the expectations of future customers, Council continues to provide services in varying ways focusing on a customer-centric digital platform. This is to ensure Council's service offering is keeping pace with rapidly changing customer expectations. To further explore the option of establishing a tourist information centre, a business case and funding sources would need to be identified to progress this concept. Council may also consider alternative community uses if the site became available.

There has been no formal community consultation on operating hours of the Customer Contact Centre or alternative uses. Council staff have met with local resident associations to present the data collected on the use of the service by the local community. Some services provided at the Avalon Customer Contact Centre are already provided at the local Post Office or other nearby businesses.

Based on the evidence gathered and trend data across Council, there is a high operating cost to operate the service and a small number of customers accessing the service compared to the other 3 branches.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That:

1. Council transition out of face-to-face service at the Avalon Customer Contact Centre by 30 June 2023.
 2. Community information be provided on alternative service options and locations.
-

REPORT

BACKGROUND

Council operates 4 Customer Contact Centres at Manly, Dee Why, Mona Vale and Avalon. Each contact centre offers customers face-to-face services and opens 5 days per week between 8.30am and 5pm. Customers can also opt to transact with Council across digital mediums such as online requests or by phone. All offices of Australia Post accept payments of rates. The Avalon Contact Centre closes for one hour each day to allow staff lunch breaks.

Since 2016 when Northern Beaches Council was established, the landscape of Customer Service has changed significantly. Businesses generally have been moving to digital solutions for service and online requests and payments now provide alternative access for customers. Some of the key areas where Council has increased its service options in lieu of face-to-face transactions include:

- All Development Applications are now lodged online through the NSW Planning Portal
- All Statutory Exhibitions and Community consultation is undertaken on the “Yoursay” Web platform (DA Plans are no longer on display in hard copy)
- Northern Beaches Parking Permits can be purchased online
- Legal documents requiring witnessing by a Justice of the Peace have reduced (driven by the COVID-19 pandemic) and local alternative service providers are available
- All rates payments can be made via BPay or at Australia Post branches
- Online bookings and payments for Community Centres and Parks are live
- Online Service Request portal is available.

These changes have seen a steady decline in the number of customers who visit branches to undertake transactions, lodge requests or view documents. It is also noted that the closure of services during the COVID-19 pandemic provided the opportunity to increase the number of customer transactions that could be completed online.

Since 1 March 2022, all Customer Contact Centres have been operating at the pre-pandemic hours, with data being gathered at each site to assess customer trends and ensure the best service is provided to the wider community.

In 2018, Council considered a report to establish a new Customer Contact Centre in the Forest Ward. It is noted that analysis of the other customer contact centres was included and found that visitor numbers at Avalon represented 10% of all in-person visits.

The Avalon Customer Contact Centre when operating at full capacity (ie not closed at lunch) is required to be staffed by 3 full time equivalent positions to ensure adequate coverage for cash handling, security of Council documents and Workplace Health and Safety considerations. The Avalon Customer Contact Centre operates at a cost of approximately \$270,000 per annum chiefly in staffing costs.

The Avalon Recreation Centre is classified as a “district” sized community facility and includes one full size indoor multipurpose Court, 5 community rooms for hire and associated public toilets. The primary users of the site are sports groups, health and recreational activities and community support meetings, with 59% of income derived from Not for Profit / Community Organisations and 41% from commercial hires. The 5 community rooms are varying in size and are well appointed with excellent natural light and ventilation. The site adjoins Dunbar Park to the north and is centrally located within the Avalon Commercial area.

The Customer Contact Centre is located within the Avalon Recreation Centre, which was significantly altered, and additions completed in 2003. During this refurbishment of the community

facility, space was allocated in the building to a customer contact centre. Prior to 2003 the customer service contact centre was in Warriewood.

Adjoining the Customer Contact Centre are rooms presently used for community purposes including an Early Childhood Health Clinic and youth wellbeing hub. Each of these uses are well patronised by the local community. Additionally, within the Avalon Recreation Centre are the Avalon Community Library and community rooms for hire.

The first floor of the Recreation Centre is the home of the Avalon Community Library which is the largest of Council's Community Libraries and is run by volunteers. Council allocates approximately \$90,000 per annum to support this service.

Evidence Base

Since 1 March 2022, all four Customer Contact Centres have been in full operation, following the relaxation of Public Health Orders. Data is being collected daily from each branch, including customer numbers, purpose of visit and type of transaction. This dataset from the period 1 March 2022 to 30 September 2022 has been used to inform the recommendations of this report. Additional data has been added from 1 October 2022 to 30 April 2023 to provide further insights into customer demand and comparison with the earlier data.

The reporting period of 1 March 2022 to 30 April 2023 provides representative data as to how the community is using a Customer Contact Centre. It covers 5 rate instalment periods (including the first instalment), the renewal of beach parking permits and end of the financial year, all notable times where customer volume increases. During this time Council also conducted community engagement for the Avalon Place Plan, a major planning document, that generated significant community interest. The Avalon Beach Streets as Shared Spaces project has been implemented with a 6-month trial running from April to September.

The evidence base demonstrates Avalon Customer Contact Centre has the smallest volume of customers, with 3,827 visitors. Over the reporting period this represents 13 customers per day. The following tables compare the number of visitors per day at each branch as well as a percentage of total visits. It is noted here that a "visitor" or "customer" is defined as a person who approaches or is assisted by the Customer Service staff at that venue. It does not include staff or Councillors attending the sites or visitors for events such as citizenship ceremonies or Council meetings. From 1/10/22 to 30/04/23 there is an increase of foot traffic across all 4 branches.

Location	Total Visits 1/3/22 – 30/9/22	Average Visits per day	% of Customer Visits
Avalon	1,709	11	9.1
Mona Vale	4,743	32	25.2
Dee Why	5,361	36	28.5
Manly	7,000	47	37.2
TOTAL	18,813	126	100
Location	Total Visits 1/10/22 – 30/04/23	Average Visits per day	% of Customer Visits
Avalon	2,118	15	10.0
Mona Vale	4,591	33	21.7
Dee Why	5,678	40	26.8
Manly	8,816	63	41.6
TOTAL	21,203	151	100

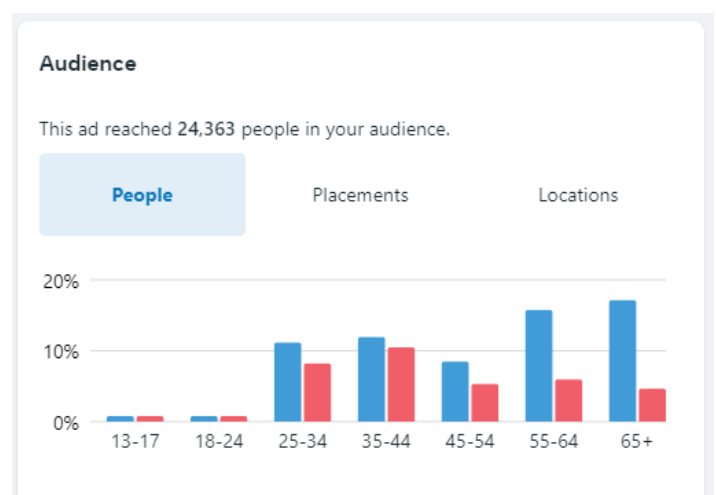
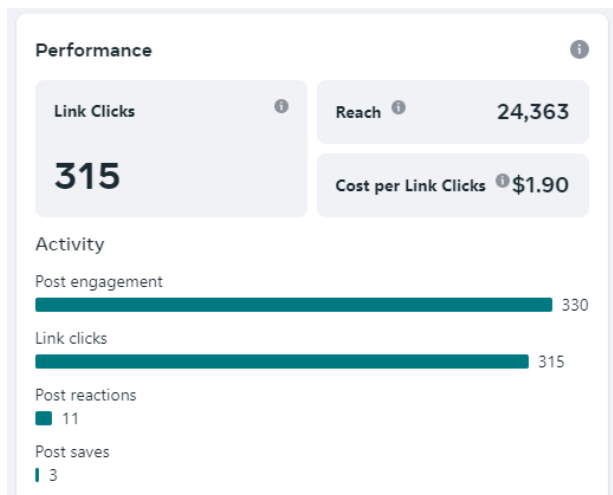
Improved signposting and promotion for the Avalon Customer Contact Centre

Additional signage was displayed at Avalon from 11 January 2023 to increase the visibility of the Contact Centre: In addition Council staff undertook the following improvements.

- Media outreach in the January edition of Pittwater Life magazine
- social media posts targeted to the local area and more broadly across Council's Social media channels
- trimming of garden hedges at the site to increase visibility of the Customer Contact Centre
- additional permanent signage at the front of the building
- two banner flags installed to signify that the centre is open for business

Targeted social media promotion

To further promote awareness of the centre a targeted social media campaign was run over 41 days in January, February and March 2023. The infographic below shows Council generated 315 clicks on links and a reach of 24,363 people over the period. This campaign cost approximately \$600.



Customer Data

The figures below show the number of visitors per day since the additional signage and promotion was implemented at Avalon across all branches. (January 11, 2023)

Location	Total Visits 11/01/23 – 30/04/23	Average Visits per day
Avalon	1,112	15
Mona Vale	2,376	32
Dee Why	2,938	40
Manly	4,453	60
TOTAL	10,879	147

The following tables provide a breakdown of where customers are making payments, known as “receipts”. Receipts are those visits where a customer has made a payment which could be for multiple purposes such as animal registration, payment of a bond or payment of rates or other charges. Manly Customer Contact Centre has a far higher volume of receipts as this branch also receipts all online and mail transactions received by Council.

Location	Total Receipts 1/3/22 – 30/9/22	% of Receipts
Avalon	384	2.71
Mona Vale	1,943	13.73
Dee Why	1,972	13.93
Manly	9,853	69.62
TOTAL	14,152	100
Location	Total Receipts 1/10/22 – 30/04/23	% of Receipts
Avalon	358	2.63
Mona Vale	1,427	10.49
Dee Why	1,477	10.86
Manly	10,335	76.01
TOTAL	13,597	100

The following tables show the volume of transactions where the primary form of payment is cash, compared to credit / debit cards and cheques.

1/03/2022 to 30/09/2022

Branch	Cash In	Credit Card / Cheque	All Payment types per day
Avalon	45	345	2.6
Mona Vale	282	1,747	13.6
Dee Why	272	1,735	13.5
Manly	311	6,119	43.2
Total	910	9,953	

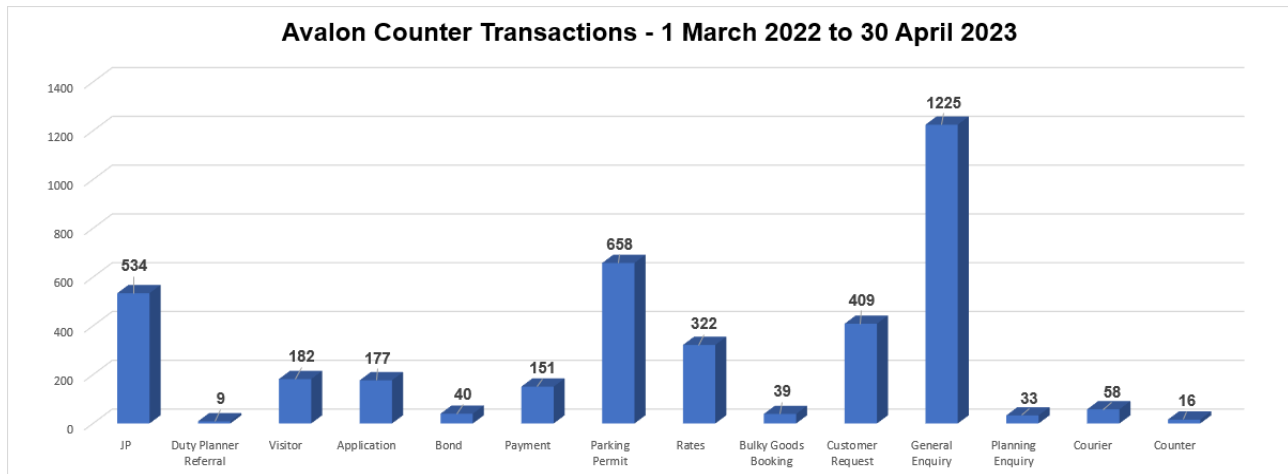
1/10/2022 to 30/04/2023

Branch	Cash In	Credit Card / Cheque	All Payment types per day
Avalon	37	319	2.6
Mona Vale	235	1,183	10.5
Dee Why	344	1,240	10.9
Manly	243	6,105	76.0
Total	859	8,847	

The Avalon Customer Contact Centre records one cash transaction on average every 3 days, whilst other branches record cash payments on average twice per business day.

During the reporting period the evidence base shows over 90% of transactions are made with either cheque, credit or debit cards.

Each Customer Contact Centre deals with numerous transaction types. The table below provides data for different types of transaction or purpose of visit to Avalon Customer Contact Centre.



The data indicates the top 5 purposes for a visit to Avalon Customer Service Centre are;

- General enquiry – could be related to Council's business (What time is the library open?)
- Parking Permits - since August 2022 parking permits are available online.
- Justice of the Peace – witnessing and signing of legal documents.
- Customer Request – staff member enters information into the online Customer Request system on behalf of the customer.
- Rates – payments or enquiries.

The top 5 customer enquiries from 1/03/22 to 30/4/23 at all branches are as follows.

Rank	Avalon	Mona Vale	Dee Why	Manly	All Branches
1	General Enquiry	General Enquiry	General Enquiry	Parking Permit	Parking Permit
2	Parking Permit	Parking Permit	Parking Permit	General Enquiry	General Enquiry
3	Justice of the Peace	Justice of the Peace	Visitor	Rates	Rates
4	Customer Request	Rates	Rates	Customer Request	Customer Request
5	Rates	Customer Request	Customer Request	Application	Justice of the Peace

Staff investigate ways of improving the centre, including establishing of a tourist information bureau or other services.

In 2018 and 2019 as part of the development of the Destination Management Plan for the Northern Beaches, Council conducted a series of intercept surveys with visitors to the Palm Beach / Avalon area. The survey data indicated.

- 92% of visitors indicated the Beach was the primary attractor, 56% sightseeing and 49% restaurants.
- 88% of visitor are day-trippers (most common length of visit was between 2 and 4 hours).
- Data noted also that many visitors are day trippers to well-known and established locations such as Barrenjoey Lighthouse and the local Beaches).

To further explore the option of establishing a tourist information bureau, funding sources would need to be identified to progress this concept including.

- Information brochures, maps and other collateral would need to be developed and printed.
- Tourism services advertised to potential visitors via social and digital marketing with greater emphasis on weekends and peak holiday periods.
- Implement a tourism experience booking platform for local operators ie. Surf School, Stand Up Paddle Boarding and Boat hire.
- Staff re-skilling and staffing beyond current weekday opening hours including consideration of weekend and holiday opening for both Tourism and Customer service enquiries.

Regarding other services, should the Customer Contact centre remain in place, there are limited opportunities to use the space after hours or for alternative purposes due to the security requirements and configuration of the existing internal space. As noted above a use such as a Tourist Information Centre or the like would need to be staffed at all times.

If the Customer Contact centre was withdrawn, the space would become vacant for an alternative use. The space being located within the Avalon Recreation Centre lends itself to an alternative use that is consistent with the Recreation or Community needs of the local area. The present zoning of the land as RE1 – Public Recreation would limit any proposed retail or commercial uses on this site. Should the space be vacated a call for expressions of interest for alternative uses could be undertaken and evaluated with respect to the known community / recreational needs of the area.

External Data Sources

In 2021 the Australian Government released the paper entitled “Digital Lives of Older Australians”. The paper provides a comparative analysis as to the digital literacy of older Australians and compares levels in 2017 to 2020. The data was collected in June 2020 and the report released in May 2021.

This report is relevant as the population of Avalon, Whale Beach and Palm Beach has larger proportion of residents (30.6%) than that of the Northern Beaches (23.8%), aged over 60 as at the 2021 census. The census also indicates fastest growth in residents aged 70-84 and 60-69 compared with the 2016 census.

The report notes several trends including a 25% increase (2017-2020) in the number of older people with an internet connection in their home. The report states 93% of older people in Australia have internet connections in their home.

Further, this paper noted significant growth in how older Australians were using technology, including an increase to 26% of older Australians who used more than 5 different devices (eg smart phones, tablets, laptops and digital TVs with streaming services) compared to 6% in 2017.

Conversely the percentage of older Australians with 2 or less devices has fallen from 62% in 2017 to 32% in 2020.

The table below provides data on the most popular devices for internet connectivity in June 2017 and June 2020 for older Australians.

Device	% used in 6 months to June 2017	% used in 6 months to June 2020	% change June 2017 to June 2020
Mobile phone	51	78	27
Tablet	42	59	17
Laptop	50	58	8
Desktop	52	47	-5
TV or smart TV	14	48	34
Digital media player	<1	17	17

Whilst detailed internet connectivity results are not yet available from the 2021 census, it is noted the 2016 census demonstrated 5.7% of households in the 2107 postcode (Avalon) and 5.9% in the 2108 postcode (Whale Beach and Palm Beach) did not have an internet connection. At the 2011 census this was around 10% for these postcodes, further demonstrating the growth in digital access for the community.

Benchmarking

In October 2022, benchmarking was completed with other metropolitan councils to understand how Council's service levels compared with other similar local government areas. Each benchmarked organisation is a medium to large metropolitan council. Results are shown in the following table:

Description	Northern Beaches Council	Council 1	Council 2	Council 3	Council 4
No. of calls (p.a.)	170,407	184,351	257,408	88,360	164,946
No. counter mail, email and online enquires (p.a.)	105,801	90,786	70,130	(No data)	235,037
Total No. calls/counter/mail/email/online	276,208	275,137	327,538	Incomplete data	399,983
Average enquiries per resident	1.04	1.38	0.88	N/A	1.65
No. of customer requests (p.a.)	112,864	124,020	143,490	(No data)	231,390
% Customer requests lodged online	41,201 (36.5%)	64,416 (51.9%)	14,260 (9.9%)	8,106 (N/A%)	137,096 (59.2%)
No. of Physical Locations	4	3	2	(No data)	4
Call Centre Hours of Operation per day)	9.5 hours	9.5 hours	9 hours	8.5 hours	8 hours

Description	Northern Beaches Council	Council 1	Council 2	Council 3	Council 4
Counter Hours of Operation	Mon - Fri 8:30am - 5pm	Mon - Fri 8:30am - 5pm	Mon – Fri 10am-3pm	Mon - Fri 8:30am - 5pm	Loc 1: Mon - Fri 9:00am - 5pm Loc 2: Mon & Fri 10:00am - 4:30pm Loc 3: Tues & Thurs 10:00am - 4:30pm Loc 4: Wed 10:00am - 4:30pm

The benchmarking data indicates Northern Beaches residents are provided with greater access to customer service counters, do less online requests for service and generally make fewer enquiries and requests for service. The benchmarking data at this stage does not provide any trend data but highlights the variations in levels of service provided across the local government sector.

Analysis of Data

The data gathered provides an insight into the various habits of customers who visit all of Council's Customer Contact Centres. It is apparent that the location of each service has an influence on the customer numbers. There are other contributing factors such as the population density and distance a customer may have to travel which could influence how they conduct business with Council.

Some residents of the northern part of the local government area have additional challenges to access including offshore communities (Great Mackerel Beach and Coasters Retreat) and as such would benefit from digital service options being provided to undertake business with Council.

The data also shows that very few transactions (payments) are being undertaken each day at the Avalon Customer contact centre, with 2 per day during the reporting period. To support payments, Council staff have additional cash handling procedures if a customer seeks to make a cash payment. During the 304-day reporting period there were 82 cash payments made. The remaining transactions were with credit or debit cards.

The data provides evidence that each visitor (3827) to the Avalon Customer Contact Centre generates a cost per visit of approximately \$82 compared to the average cost of \$15.90 from all enquiries (276,208). This change in costs is attributed to having the benefit of 14 months of data to analyse. Whilst there may be strong local support for the retaining the service due to its convenience for residents, the evidence demonstrates a higher average cost for ratepayers. The prioritisation and delivery of online transactions and a strong digital presence would provide alternative ways to deliver more effective and efficient service and remain in line with broader customer expectations.

The recommendation in the staff report included in the business papers for the Council meeting held on 13 December 2022 proposed a trial reducing operations to 2 days per week. This recommendation was not adopted and Council resolved among other things to improve signposting and provide further information to residents about the service. This resolution has been implemented. However, the additional 4 months of promotional material and new signage has seen a minimal increase in usage. As such the recommendation is to direct customers to the Mona Vale branch and repurpose the space to alternative community use.

Supporting Information

Prior to 2003, resident access to a customer contact centre was in Vuko Place, Warriewood. In 2004 Council redeveloped the Mona Vale Library and created a civic precinct that included a new customer contact centre, library and staff accommodation. The Avalon Customer Contact Centre was opened as a “drop-in” centre in 2003 and later converted to a full-service centre.

With the advent of the NSW Planning Portal, all Development Applications are now lodged online, negating the requirement to have a suitably qualified planning staff member at each Customer Contact Centre. In addition, the increased availability and update of technology has enabled many staff to become more mobile and able to work from multiple locations with a minimum of disruption. Council’s Voice over Internet Protocol (VOIP) phone software can be operated from any location at any time, providing greater responsiveness during emergencies and high demand periods.

Alternative Uses

The site is accessible for people with a disability and centrally located in the heart of the Avalon Commercial precinct. It is a matter for Council to determine the future use of the site as a Customer Contact Centre. A reduction in hours of service would not allow the site to be re-purposed due to the need for workstations to remain and security of other operational material.

There is strong demand from the local community to provide for more community space and services particularly in the area of mental health and the vulnerability of young people in the Avalon area. Adjoining the site is the Avalon Early Childhood Centre which is co-tenanted with the Avalon Youth Hub, Council’s community centre office is located to the north.

Service Implications

Avalon Beach, Whale Beach and Palm Beach are located at the most northern tip of the Barrenjoey Peninsula predominantly low density residential suburbs. Avalon commercial precinct is identified as a “Coastal Village” in Council’s adopted Local Strategic Planning Statement. “My Place – Avalon” adopted by Council in July 2022 envisages 1.6% population growth over the period 2018-2036. Extensive growth in local population is not expected in the current planning horizon and it is unlikely that the demand for service will change because of population factors.

Should Council resolve to transition the service from the Avalon Customer Contact Centre, the nearest available in-person centre will be located at Park Street, Mona Vale. Mona Vale is a higher order “Strategic Centre” and has a larger commercial and employment precinct. Mona Vale is 6km by road from Avalon Beach and approximately 10 minutes by car. Public transport services are available from Avalon via the existing Sydney Buses service and the Keoride on-demand public transport service. The on-demand service is designed to connect residents to designated transport hubs, B-Line and other key bus stops, and popular destinations like shopping centres.

In order to assist customers with any change, a transitional period with detailed information would need to be provided at Avalon and through digital channels about the nearest location for service and other options available in the vicinity for Justice of the Peace, Rate payments and battery recycling services. Council may also wish to consider in the short term, rebates for public transport trips to the Mona Vale office for customers needing to make in person enquiries or transactions.

CONCLUSION

The evidence base presented provides a case for Council to consider the future of the Avalon Customer Contact Centre. As residents and businesses move to a digital future it is expected that customers will demand a greater digital presence from Council and a lesser reliance on traditional service models.

It is recommended that the Avalon Customer Contact Centre be transitioned to an online service or access face-to-face service at Mona Vale, Dee Why or Manly Contact Centres and Council promote alternative methods of accessing services through a community information campaign.

The establishment of a Tourist Information Centre or the like would need further investigation and planning including a business case and funding plan. The use of the space if vacated could enhance service to the community through an alternative community or recreational use.

CONSULTATION

At their request, Council staff met with local community associations during 2020 and 2021 to provide updates on the re-opening of the service. Some residents raised concerns in 2021 that the closure of the Avalon Branch was related to the amalgamation and creation of Northern Beaches Council. This perception may have been created when the Avalon Branch remained closed due to it being used by NSW Health and then the NSW Electoral Commission to provide services to the local community during the COVID-19 pandemic.

Following the collection of the data between March and September 2022, Council staff have further engaged with community associations such as the Palm Beach and Whale Beach Association, Avalon Preservation Association, Mackerel Beach Association, Clareville and Bilgola Plateau Residents Association and the Bilgola Beach Residents Association to present the evidence gathered regarding customer numbers.

During 2020 and 2021, Council staff had direct contact from 4 local residents who were unhappy the Contact Centre was closed. In each case the customers' needs were evaluated, and alternatives offered to provide the service. One resident request could not be accommodated over the phone or through an online transaction. This related to the disposal of used batteries that was previously accessed at the Customer Contact Centre. It is noted that a used battery disposal bin is provided at the recently refurbished supermarket in Avalon.

Whilst there has not been targeted community engagement undertaken on whether the Avalon Customer Contact Centre operating hours should be transitioned, engagement with local community associations has occurred. The service closures over 2020 and 2021 raised few concerns regarding the operations of service, as customers have alternative in-person and online options.

Council's Community Engagement Policy also notes in its purpose:

"... involves communicating with, and listening to, our community prior to, during and following decision making".

Council has been engaging and responding to its customers through various channels such as direct enquiries, customer feedback, visitation data and an increased customer demand for digital transformation.

TIMING

Should Council resolve to change operating hours or transition the service, this could occur from June 2023. A detailed community information program will be developed to ensure information about alternative service methods is provided.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community

- Transport, technology and connectivity - Goal 18 Our community can easily connect and communicate through reliable communication technologies

FINANCIAL CONSIDERATIONS

The 2022/23 operating budget includes provision for operations at the Avalon Customer Contact Centre. Should Council resolve to transition the service, staff would be redeployed to other customer service positions.

SOCIAL CONSIDERATIONS

The Avalon Customer Contact Centre is not well-utilised by the community compared to other locations. Opportunity exists to transitioning the service to other locations and reduce costs and provide an alternative benefit to the residents.

If the services were proposed to be transitioned, access to services on digital platforms may also be seen as a barrier for older persons or those without an internet connection. In 2021 the Australian Communications and Media Authority released a report titled "The Digital Lives of Older Australians" which noted 93% of older people in Australia had an internet connection in their home.

Whilst results are not yet available from the 2021 census, it is noted in 2016 that 5.7% of households in the 2107 postcode (Avalon) and 5.9% in the 2108 postcode (Whale Beach and Palm Beach) did not have an internet connection. At the 2011 census this was around 10% for these postcodes, further demonstrating the growth in digital access for the community.

Council's service offering at Mona Vale Customer Contact Centre would continue to provide face-to-face service, accept cash payments and assist customers should the Avalon Centre be withdrawn. Justice of the Peace services are already available in multiple locations in Avalon including legal firms, the existing supermarket and Post Office.

There may be customers who are inconvenienced should the Avalon Customer Contact Centre close. The desires of these customers must be balanced with Council's responsibility to the wider community to provide the most effective and efficient services.

ENVIRONMENTAL CONSIDERATIONS

A change in operating hours of the Avalon Customer Service Contact Centre would have a minimal environmental impact.

GOVERNANCE AND RISK CONSIDERATIONS

Council has a responsibility to its community to provide effective and efficient service that is value for money. There is an evolving digital landscape driven by customer expectations that has led to increased demand for services on digital platforms. The evidence provided in this report indicates that fewer people are using in-person customer service particularly as more services are offered on a digital platform. Further the NSW Government is supporting digital service provision with the ServiceNSW App and NSW Planning Portal.

The changing landscape of customer service, driven by customer experience has seen a change in the expectations and behaviours of customers, many of whom prefer to transact online, at their convenience, 24 hours per day. The provision of a 5 day per week Customer Contact Centre at Avalon based on the evidence provided is unsustainable and does not meet the needs of the wider community.

In considering the risks associated with a reduction in operating hours, it is noted that rate payments can be made at the Avalon Beach Post Office some 100m away and Justice of the Peace services are available at numerous other businesses in Avalon. Public transport

connections to Mona Vale are frequent and reliable including the Keoride on-demand service to provide customers with access to the Mona Vale Customer Contact Centre.

Local community associations have been consulted and provided the evidence base to support the recommended outcome. It is expected that some members of the local community will not be supportive of the recommended action.







Northern Beaches Council

Just now · 🌐

A reminder that Avalon Customer Service is open: Monday to Friday
9am to 12pm & 1pm to 4.30pm (except public holidays).



[HTTPS://WWW.NORTHERNBEACHES.NSW.GOV.AU/SERVICES/CUSTOMER-SERVI...](https://www.northernbeaches.nsw.gov.au/services/customer-servi...)

Contact Council

Handling 14,000 enquiries every month and with a customer approva...



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11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1	ECO SCHOOLS GRANTS 2023 PROGRAM - ALLOCATION OF FUNDING
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT & CLIMATE CHANGE
TRIM FILE REF	2023/279889
ATTACHMENTS	NIL

BRIEF REPORT

PURPOSE

To seek approval to allocate funding under Council's 2023 Eco Schools Grants Program (the Program) in accordance with the recommendation of the Eco Schools Grants Program Assessment Panel.

REPORT

Northern Beaches Council has committed \$10,000 to the 2023 Eco Schools Grants Program. This program is divided into 5 streams including bush regeneration, carbon reduction, waste reduction, sustainability education, water reuse and reduction and provides grants to eligible schools of up to \$2,000.

The Eco Schools Grants Program will see enhanced economic, social, environmental and/or cultural benefits for the Northern Beaches community and has been developed to build the skills and resources of the community to facilitate the delivery of rich and diverse programs in local Schools across the Northern Beaches.

The 2023 Eco Schools Grants Program opened on 3 November 2022 and closed 17 February 2023. The deadline was extended twice during this period.

The Program was advertised and promoted through print and online media and direct email to schools on the Northern Beaches. A video was also prepared and promoted to encourage schools to apply. The successful applicants from the 2022 round of grants were promoted to the community with a media release and on Council webpages. Each awarded program from the 2022 round of grants will also be promoted to the community once the projects reach completion.

Applications were sought from eligible schools for projects that addressed the assessment criteria as follows:

1. Environmental impact – the measurable difference your initiative will make to your school's carbon footprint, long term and short term.
2. Capacity to deliver – experience and/or resourcing allocated to implement the Initiative.
3. Longevity of the initiative – how long will your initiative continue after the funding has been expended.
4. Other benefits derived including social, progress/leadership, educational and economic.

Council received applications from two local schools:

- Arranounbai School – Frenchs Forest – Bush Tucker Native Garden
- Dee Why Public School – Dee Why – Closed Loop Orchard

Applications were reviewed for eligibility in the first instance, followed by assessment undertaken by the Assessment Panel comprising:

- Senior Environment Officer – Operations
- Environment Systems Officer
- Probity Officer – Grants Coordinator.

The assessment panel's role is to make recommendations to Council on the Eco Schools applications that should be funded. The panel members undertook individual assessments and submitted a score for each application against the above criteria resulting in a priority ranking. The panel members declared there was no conflict of interest in their assessment of the two applications.

The comments and scores for all levels of assessment will remain confidential however all applicants will be able to seek feedback on their application.

The results of the assessment process are outlined below. Both applicants met the criteria and are recommended for funding as per Table 1, and a short summary of each project is provided at Attachment 1.

Table 1: Local Eco Schools successful applicants 2023

School	Recommendation	\$ Funding
Dee Why Public School	Full	\$1,902.00
Arranounbai School	Full	\$2,000.00
	Total	\$3,902.00

This means an unallocated amount of \$6,098, which will remain in the Greener Communities group program and be used for resourcing and updating equipment to support school excursions and activities with school-aged children.

Staff have received consistent feedback from local schools that teachers are under a considerable amount of administrative pressure in addition to their daily teaching roles and are finding it more challenging to apply for and deliver grants. The NSW Government ceased its Eco Schools funding in the 2019/20 financial year.

Staff have developed a short survey for local schools seeking feedback on ways that Council can adapt or improve the Eco Schools Grants program to make it more accessible and drive more applications, including extending the timeframe for implementation of successful grants.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

Protection of the environment - Goal 3 Our community is well-supported in protecting and enhancing the environment to ensure safe and sustainable use.

FINANCIAL CONSIDERATIONS

Funding to support the Eco Schools Grants is included in the existing budget.

ENVIRONMENTAL CONSIDERATIONS

All successful Eco Schools Grant allocations will result in a positive and sustainable outcome for the schools' environmental portfolios.

SOCIAL CONSIDERATIONS

The Eco Schools Grants Program has been developed to build the skills and resources of each school, their students, teachers, and parents.

GOVERNANCE AND RISK CONSIDERATIONS

Schools have a duty of care and are required to have their own Certificate of Currency for any work carried out in relation to the grant projects.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council allocate funding under the 2023 Eco Schools Grants Program as follows:

1. Dee Why Public School – Closed Loop Orchard project - \$2,000
 2. Arranounbai School - Bush Tucker Native Garden project - \$1,902
-

ATTACHMENT 1 - BRIEF PROJECT DESCRIPTIONS

Applicant School Name	Dee Why Public School
Funding stream	Waste Reduction
Project Title	Closed Loop Orchard
Project Start Date	24/5/2023
Project End Date	15/12/2023
Brief Project Description	Our project aims to revive our school's composting system to divert compostable food waste out of landfill and into our garden beds. The composting system had been set up before the pandemic but could not be sustained due to restrictions, school closures and student cohorting requirements. We are also aiming to increase student knowledge and interest in sustainable gardening practices through Gardening Club activities. We aim to spark interest by creating a mini potted orchard to complement the current garden beds and to showcase how a "closed loop" can be created by recycling our food and garden waste through the compost system as well.
	Full funding recommended: \$2,000

Applicant School Name	Arranounbai School
Funding stream	Sustainability Education
Project Title	Bush Tucker Native Garden
Project Start Date	24/5/2023
Project End Date	15/12/2023
Brief Project Description	We wish to develop an immersive native plant garden to increase awareness of local and indigenous plants and their different uses. Our school educates students with special and diverse needs, many of whom require various sensory input. The project would allow for these students to see, taste, touch, and smell a collection of bush tucker plants, as well as access to use these plants in our food tech lessons. The garden would need to be accessible for our students in wheelchairs and supported walking apparatus. Students will be involved in the planning, design and implementation (including planning and ongoing care/maintenance) of the garden to further enhance ownership and interest. Opportunities shall exist in classrooms to further study each species and its uses historically and presently.
	Full funding recommended: \$1,902

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1	ADMINISTRATIVE REVIEW OF COMPLIANCE AND ENFORCEMENT POLICY
REPORTING MANAGER	ACTING EXECUTIVE MANAGER ENVIRONMENTAL COMPLIANCE
TRIM FILE REF	2023/273103
ATTACHMENTS	1 ⇒ Draft Compliance and Enforcement Policy (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek Council's endorsement to place the draft revised Compliance and Enforcement Policy on public exhibition.

EXECUTIVE SUMMARY

The Compliance and Enforcement Policy was adopted by Council at its meeting of 16 October 2018. The current policy is subject to review on a three-yearly basis.

A comprehensive review of the policy has been undertaken for the purpose of strengthening the structure and support provided within the policy to enable a fair, consistent, and transparent approach to compliance and enforcement matters, and to ensure that the decisions of Council staff are made in a measured and proportionate manner.

The current policy has operated effectively since its adoption, however the current review and internal consultation has identified opportunities to further refine the content of the policy to make it more concise, with repetitive or irrelevant content removed. Inclusions to the revised version include clarity around the approach to compliance under a risk-based framework, as well as additional information on Council's triage process and the addition of a table of definitions for commonly used terms.

RECOMMENDATION OF ACTING DIRECTOR PLANNING AND PLACE

That:

1. Council approve to place the draft amended Compliance and Enforcement Policy on public exhibition for a minimum of 28 days.
 2. The outcomes of the public exhibition be reported to Council.
-

REPORT

BACKGROUND

Over the course of a year Council receives approximately 27,000 customer concerns on matters relating to public safety, environmental harm, or unauthorised development. Each of these matters are reviewed, investigated, and where necessary, enforcement action is taken seeking to remedy matters of concern.

The Compliance and Enforcement Policy provides an objective, evidence based decision-making framework to guide the most efficient and effective use of council's regulatory resources to achieve the best environmental, health and safety outcomes for the community. The Policy applies to all delegated employees of Northern Beaches Council with responsibility for investigating regulatory and enforcement concerns under legislation which Council has powers to enforce.

The Policy provides guidance to Council's authorised officers on the approach to be taken in reviewing and investigating concerns raised by the community. Additionally, the Policy also provides guidance to the community on what to expect when Council investigates their concern, including the process with which concerns are investigated, the factors which determine whether enforcement action will be taken, and the enforcement options available to Council in address matters relating to public safety, environmental harm, or unauthorised development.

Risk based compliance

The Policy was adopted in 2018 and is subject to a regular review process. Since the adoption of the Compliance and Enforcement Policy, Council has adopted a risk-based approach to compliance whereby each concern is assessed and attributed a risk rating ranging between "urgent" to "low" risk, which informs the approach taken to address the concern. This also includes the timeframe within which a matter will be investigated, as well as examples of the risk-prioritisation generally attributed to customer enquiries.

Keeping the community informed

In addition to strengthening guidance for Council's authorised officers, the Policy has also been updated to include detailed information on key aspects of the compliance process to assist the community, including how concerns are triaged and investigated and the factors considered when determining to take enforcement action, and the key decision points during an investigation when customers can expect to receive an update on the investigation. Additional information is also given on the circumstances where Council does not have a role in addressing concerns, such as civil matters and neighbour disputes, and additional information is also provided on the role of private certifiers.

An additional new section has also been provided to assist the community where there is dissatisfaction with a decision in relation to a compliance investigation.

A summary table outlining the amendments to the Policy is provided below:

Issue	Summary of new inclusions
Managing customer concerns	<ul style="list-style-type: none"> • A new section has been included outlining how customer concerns are managed, including how the following steps are undertaken: <ul style="list-style-type: none"> ○ preliminary assessments ○ investigations ○ enforcement action • Guidance on the key steps of the investigation at which point an update will be provided to customers. • Identification of the circumstances in which no action may be taken. Some examples include where Council does not have jurisdiction to address a concern, there is insufficient information, or evidence to pursue a matter, or the report relates substantially to a matter previously investigated by Council, and there is no new or compelling information or evidence which would cause Council to change its earlier decision.
Application of discretion	<ul style="list-style-type: none"> • A new section has been included to provide guidance to Council's authorised officers and the community on the application of discretion in determining whether to take regulatory action, as well as the obligations on Council officers to ensure the discretion is applied in good faith and in an impartial and consistent manner.
Risk based triage process	<ul style="list-style-type: none"> • All enquiries are managed using a risk-based approach and are triaged to determine their priority/urgency, with matters identified as greatest risk (urgent/high), to be actioned as a priority. • A new section has been included providing information on the new risk-based triage process, with examples of what constitutes urgent, high, medium, and low risk concerns and how these are responded to. • A new risk rating table is also included to identify the risk rating attributed to various types of customer enquiries.
How investigations are undertaken	<ul style="list-style-type: none"> • A new section outlining the steps involved in undertaking investigations and the factors that are considered in the decision to take enforcement action. The range of enforcement options available to Council is also outlined.
Private certifiers	<ul style="list-style-type: none"> • An expanded new section providing information on the private certification scheme, including the role of certifiers, the types of matters which, in the first instance should be referred to certifiers for investigation and the matters which can be referred to Council. Additional information is also provided on the referral

	pathway to direct concerns relating to the conduct of private certifiers.
Dissatisfaction with compliance outcomes	<ul style="list-style-type: none"> A new section is included outlining how to seek a review of a decision if there is dissatisfaction with the outcome of an investigation or dissatisfaction with the conduct of a Council employee.

CONSULTATION

The current policy has been revised in consultation with key users of the policy and incorporating legal review and is cognisant of the general concerns raised by the community regarding Council roles and responsibilities in compliance and enforcement matters. Current amendments are also in line with policies and guidelines from other councils and relevant guidance given by the NSW Ombudsman's office.

The draft policy will be placed on public exhibition for a minimum of 28 days.

The consultation process for the exhibition period will include:

- Information on the 'Your Say' project web page including online submission form.

TIMING

All feedback received during the public exhibition period will be considered, after which the final policy will be reported back to Council for consideration before its adoption.

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

There will no financial impacts resulting from this policy.

SOCIAL CONSIDERATIONS

Compliance and enforcement actions will be exercised fairly to ensure the effective review and remedy of concerns to ensure the health and safety of the community. The policy provides an equitable decision-making framework for compliance concerns across the Northern Beaches.

ENVIRONMENTAL CONSIDERATIONS

Compliance and enforcement actions will be undertaken to mitigate and manage potential adverse impacts to public safety and the environment.

GOVERNANCE AND RISK CONSIDERATIONS

This policy is designed to provide a transparent, risk-based framework for the management of concerns relating to public safety and environmental harm. The policy reflects Council's existing processes and models recommended best practice for government regulators, providing a clear policy statement on the approach to Council's Compliance and Enforcement functions.

ITEM 12.2	RESPONSE TO NOTICE OF MOTION NO 9/2023 - BUILDING AND DEVELOPMENT COMPLIANCE
REPORTING MANAGER	ACTING EXECUTIVE MANAGER ENVIRONMENTAL COMPLIANCE
TRIM FILE REF	2023/273844
ATTACHMENTS	1 ➡Letter to the NSW Government, Shadow Planning Spokesperson, Department of Fair Trading, Office of Local Government, and Local Government NSW (Included In Attachments Booklet)

SUMMARY

PURPOSE

To provide the information requested by Council at its Ordinary Meeting on 28 March 2023 in relation to Notice of Motion 9/2023 - Building and Development Compliance.

EXECUTIVE SUMMARY

On 28 March 2023 Council resolved, in part, the following:

2. *The Chief Executive Officer prepare a report to Council at the May 2023 meeting concerning the following points regarding the private certification scheme:*
 - A. *Any issues identified by staff or residents regarding the efficacy of this scheme*
 - B. *Any recommendations for improving state legislation dealing with oversight of development and compliance*
 - C. *Prepare a letter to the NSW Government, Shadow Planning Spokesperson, Department of Fair Trading, Office of Local Government, and Local Government NSW, highlighting the matters identified in A - B.*
3. *The Chief Executive Officer prepare a workshop by May 2023 for the Councillors concerning any innovative ideas for improving compliance by the community with building and development regulations. This could include, for example:*
 - A. *Proactive and random inspections of building sites*
 - B. *Joint inspection 'blitzes' with co-regulators such as the NSW EPA*
 - C. *Use of new technology to identify illegal development such as clearing of trees*
 - D. *Education campaigns to improve a culture of compliance.*
4. *The Chief Executive Officer report back to Council at the May 2023 meeting with options for resourcing a specialised compliance team responsible for dealing with allegations of unauthorised tree or vegetation clearing.*

A significant research exercise has been undertaken to identify the current issues of concern in relation to the private certification scheme, including a review of customer concerns to identify the issues commonly raised by the community, conducting a workshop with relevant Council staff, a review of the current statutory framework, and researching the issues encountered by other local authorities. Previous reviews undertaken into concerns relating to the private certification scheme such as the *Independent-review-of-the-Building-Professionals-Act- 2005* ("Lambert Review, 2015), and advocacy undertaken by Local Government NSW on the matter have also informed the

recommendations identified in response to the resolution.

RECOMMENDATION OF ACTING DIRECTOR PLANNING AND PLACE

That Council:

1. Note the contents of the report.
 2. Endorse the letters in Attachment 1 to be sent to the Minister for Planning and Public Spaces, the Minister for Better Regulation and Fair Trading, the Minister for Local Government and Local Government NSW.
-

REPORT

Response to Item 2A and 2B:

2. *The Chief Executive Officer prepare a report to Council at the May 2023 meeting concerning the following points regarding the private certification scheme:*
 - A. *Any issues identified by staff or residents regarding the efficacy of this scheme*
 - B. *Any recommendations for improving state legislation dealing with oversight of development and compliance*

Overview

Registered certifiers (formerly known as private certifiers) are responsible for the certification of building and development works in NSW. Registered certifiers can be private entities or employed by council.

Registered certifiers, whether employed by council or independently, have statutory obligations and functions under the *Building and Development Certifiers Act 2018*, the *Environmental Planning and Assessment (EP&A) Act 1979* and other legislation.

The main functions of registered certifiers include:

- Determining applications for complying development, construction certificates and occupation certificates;
- Inspecting building works at specific stages to determine consistency with approved plans, and compliance with legislative requirements and conditions of consent; and
- Taking action to address non-compliant work and if required, report any non-compliant works to council.

Since the implementation of the private certification scheme, landowners and builders/developers have increasingly moved away from certification services provided by local councils in favour of the private sector. On an annual basis, council as the local authority receives notification of approximately 4,000 certificates which have been issued by registered certifiers within its local government area. This is a combination of complying development certificates, construction certificates and occupation certificates. By comparison, council issues approximately 100 approvals a year relating to the same type of certificates. There are a number of reasons for the shift towards the private sector, including:

- perception of 'red tape' in dealing with local government;
- The community may not be aware that council provides the service; and
- Builders/developers build working relationships with certifiers, preferring to use their service as private certifiers are not bound to operate within one council area.

The private certification frame also brings with it concerns such as a conflict of interest, a lack of transparency and oversight, and consequently an erosion in community trust in the integrity of the scheme and the broader planning framework. Some of these concerns are detailed below.

Issues regarding the efficacy of the private certification scheme

The migration of certification work away from councils towards the private sector has had a significant impact on council's role in regulating building and development matters.

For example, council receives approximately 2,800 complaints a year from the community relating to building and development matters, and almost 20 percent (560) of these complaints are related to works that are being managed by private certifiers.

The concerns include:

1. Development not being carried out in accordance with the Development Consent;
2. Complaints about relating to a certifier's conduct or behaviour and including dissatisfaction with the outcome of concerns raised with the certifier and the level of communication/response from a certifier;
3. Allegations that a certifier has incorrectly applied the Exempt and Complying Codes SEPP to approve works under a Complying Development Certificate (CDC);
4. Concerns that the certifier has not been adequately supervising works being undertaken under the CDC;
5. General enquiries about Complying Development which can include objections to the approval, enquiries about a CDC currently under assessment by a private certifier, request for access to CDC plans and requests for advice from the homeowner as to whether their works can be undertaken as a CDC;
6. Unlawful use of the development, including occupation of the dwelling without an Occupation Certificate having been issued.

Recommendations for improving state legislation dealing with oversight of development and compliance

Opportunities exist to improve the level of transparency and accountability into the conduct and decision making undertaken by private certifiers. Opportunities also exist to improve the statutory framework used by both councils and certifiers to regulate the planning approvals system.

1 – Code of Conduct obligations and keeping the community informed

Schedule 5 of the *Building and Development Certifiers Regulation 2000*, outlines the Code of Conduct obligations for certifiers. As part of the Code of Conduct, certifiers are expected to respond appropriately to complaints and enquiries made by the public about works they have been appointed to certify. Failing to respond can result in a complaint being made against the certifier to NSW Fair Trading.

The certifier has an obligation to investigate any concerns raised regarding works that they are responsible to certify and to take appropriate action to seek a resolution to the matter.

In many instances, the community turn to council for help because they either did not receive a favourable response from the certifier, or they do not have the confidence that their concerns will be investigated.

Recommendations

- There should be a requirement for Code of Conduct training as part of the Continuing Professional Development training to ensure all certifiers sufficiently understand their responsibilities and obligations under the Code of Conduct.
- There should be a clearer pathway for the community to complain to NSW Fair Trading in relation to breaches of Code of Conduct, particularly where certifiers are not responsive to the concerns raised by the community.

2 – Enforcement powers

Under Section 6.31 of the *Environmental Planning and Assessment Act 1979* (the 'Act'), private certifiers have an obligation to issue a Written Direction Notice (WDN) where they become aware of any non-compliant building and development works.

If a WDN is required, the certifier must issue the WDN within two days and include the following information:

- a description of the matter, which is the subject of the non-compliance,
- set out the action that must be taken by that person to remedy the non-compliance, and
- the timeframe within which the non-compliance must be remedied.

In our experience, where certifiers issue a WDN, they request their client to obtain retrospective approval for the work from council to resolve the issue rather than seek the non-compliant works be removed or demolished.

The approach to encourage seeking an approval from council does not remedy the non-compliant works, rather it enables non-compliant works to continue to be carried out while an application is prepared and submitted to council, creating further angst within the community.

This issue clearly identifies that certifiers do not have any substantive enforcement powers to manage non-compliant building works. Enforcement powers given to councils under Part 9 of the *Environmental Planning and Assessment Act 1979* include the authority to issue Stop Works Orders to cease non-compliant works continuing or Development Control Orders requiring compliance with the development consent or non-compliant works to demolished.

In order to strengthen the enforcement provisions for certifiers, certifiers should have the ability to issue Stop Works Orders where they have identified non-compliances as well as issue Development Control Order for compliance with the consent or for demolition of the works. Certifiers should have full control of the works they manage, and this should include both certification and enforcement functions.

Recommendation

- That private certifiers should have enforcement powers to issue Development Control Orders under schedule 5 of the *Environmental Planning and Assessment Act 1979*. These powers would allow certifiers to issue Stop Works Orders and Development Control Order for compliance with the consent or for demolition of the works.

3 – Transparency and Accountability over actions - Public Register

There is currently a lack of transparency with the decision-making process when certifiers investigate concerns raised by the community or local councils. This means that in both cases when there is a concern, the community or local councils are expected to peer review the private certifiers actions at their own time and cost, to understand the certifiers decision whether or not take action to address a concern.

Recommendation

- There should be a public register, to be maintained by NSW Fair Trading, similar to the framework currently in place for NSW EPA Accredited Site Auditors. This register should include the actions (for example WDNs) taken by a certifier to address matters of concern relating to building works. The register should be made publicly available on the NSW Fair Trading website.

4 – Transparency and Accountability over decisions - Public Register

Currently there is inconsistency in the level of oversight given by private certifiers to the concerns raised by members of the community and local councils. This includes the timeliness in which concerns are investigated, and the rationale upon which decisions to take action or not take action are made. The Code of Conduct under Schedule 5 of the *Building and Development Certifiers Regulation 2000* does impose a requirement to document reasons for decisions, however there is no mechanism by which these decisions are formally captured to enable review by councils or the community.

Recommendation

- An additional requirement should be imposed within the statutory framework requiring Written Direction Notices to be accompanied by an assessment report which articulates the rationale behind the certifier's findings when they investigate a concern, and the reasons for their decision to take or not take action to address a non-compliance. This assessment process should also be submitted to the public register.

5 - Replacement of principal certifiers

A principal certifier (PC) must be appointed by the property owner before starting approved building or construction work. The PC oversees the construction work, complete mandatory inspections, and issues the final occupation certificate. Usually, the certifier that approved the construction certificate or complying development certificate is appointed as the PC.

In certain circumstances, property owners can replace the principal certifier of a development. The replacement certifier can be a different private certifier or a council certifier. Private certifiers can refuse to accept a replacement role and, in most instances, are likely to refuse the role as they do not want to accept liability for works that have already been carried out that they have not inspected themselves.

Council does not have that option and cannot refuse applications for replacement PC. Council must accept all applications to act as the PC when directed to by NSW Fair Trading.

In recent years there has been an increase in applications to appoint council as replacement PC for a number of reasons including but not limited to:

- disciplinary action was taken against the certifier and therefore they can no longer operate;
- the certifier has retired and therefore will no longer complete the certification of the project;
- the owner and certifier have had a disagreement and the certifier no longer wants to certify the works;
- the certifier does not want to issue the occupation certificate (OC) due to the age of the works, and
- there may be non-compliant works within the project, and the certifier no longer wants to be responsible to certify the works.

As council can't refuse the replacement PC role, it must therefore by default inherit any liability and risk associated with the works already constructed and supervised by the former certifier.

This poses a risk to council as there has been no oversight of the works and in some instances, no documentation to support that the works have been completed in a satisfactory manner in accordance with the relevant legislative requirements. This is particularly common where works have been carried out over an extended number of years.

Recommendations

Under clause 68 *Environmental Planning and Assessment (Development Certification and Fires Safety) Regulation 2021*, local councils should have the ability to refuse the role of replacement PC role in certain circumstances, such as:

- **Where non-compliant works have been undertaken** – if non-compliant works have been undertaken, the owner of the property should seek their own advice on how this should be remedied. Council should not have to resolve this issue within the certification framework.
- **Where works have been completed over a prolonged period of time** – under division 6.6 of the *Environmental Planning and Assessment Act 1979*, there is a liability period in connection with defective building work or defective subdivision work. This liability period is within 10 years from the completion of works. Council should have the ability to refuse the transfer of a principal certifier role where the works were completed more than 10 years prior, as the defective liability period has ceased.
- **Where documentation cannot be provided to confirm that critical stage inspections have been undertaken and were considered satisfactory** – there are instances where the owner cannot provide any documentation to support that the former certifier inspected the works and deemed them satisfactory. There are several reasons why this would arise, but the main reason is that the owner may not have contacted the certifier to undertake critical stage inspections. In these instances where documentation cannot be provided, council should have the ability to refuse the replacement role.

6 - Challenging the validity of complying development certificates and construction certificates

Under section 6.32 of the *Environmental Planning and Assessment Act 1979* (Act), if a person believes that a complying development certificate or construction certificate has been issued contrary to the Act, proceedings can be commenced within the NSW Land and Environment Court (Court) to challenge the validity of the certificate. Any proceedings brought before the Court, must be commenced within three (3) months after the issue of the certificate. Proceedings can be brought forward by council or a third party.

Council has on a number of occasions, exercised its powers under this section to challenge complying development certificates issued by private certifiers. The process to challenge a certificate is burdensome due to the level of detail required to put a submission to the Court, including reviewing the approvals, undertaking full technical assessments against the legislative provisions and preparing court documents.

In addition to time, there is also a significant financial burden to undertake court action, which is a big deterrent to the community and diverts council funds away from other matters of public safety and environmental concern.

Challenging a certificate may only be successful if the matter is brought before the court within three (3) months of the date of it being issued. This is impractical because in many instances, council receives a complaint relating to a CDC after the three (3) month period has lapsed and is therefore unable to take action.

In order to assist in resolving this issue, the three (3) month period of time to challenge a CDC or CC should begin at the commencement of works rather than at the date of issue of the certificate. The reason for this is that in most instances, the concerns become evident once physical works start, not when a certificate is issued.

Recommendations

- Under section 6.32 of the *Environmental Planning and Assessment Act 1979*, the appeal period to challenge a construction certificate or complying development certificate issued by a private certifier should begin *at the commencement of works* rather than at the time of issuing the certificate.
- Local councils should have the ability to issue a Stop Works Order for a maximum period, i.e. approximately two (2) weeks to allow council to review concerns that have been raised in relation to the validity of the approval. This would allow time for council to undertake an assessment of the approval against the relevant State Environmental Planning legislation to determine whether there is an issue and whether the matter needs to be brought to the attention of the certifier to seek a resolution.

7 – NSW Planning Portal

The Department of Planning and Environment has mandated that all planning approvals be submitted through the NSW Planning Portal. This means that all development applications, construction certificates, complying development certificates, occupation certificates and associated documents must be submitted through the NSW Planning Portal.

This mandate does not include the submission of Notice of Commencement forms and Written Directions Notices.

Under the *Environmental Planning and Assessment Act 1979*, there is a requirement for these documents to be submitted to council however not via the NSW Planning Portal. As these documents are generally emailed or submitted in hardcopy through the customer service centre, there is a greater risk of documentation being lost and incorrectly processed. Most importantly, it is common for these documents not to be submitted to council at all. There is also an administrative burden on council staff to process these documents.

Recommendation

- That the *Environmental Planning and Assessment Act 1979* be amended to mandate the lodgement of the Notice of Commencement form and Written Direction Notices through the NSW Planning Portal.

8 – Visibility of CDC and CC approvals

Under clause 134 of the *Environmental Planning and Assessment Regulation 2021*, there is no mandatory requirement for neighbours to be notified when an application for complying development certificate is being assessed by a certifier. In some instances, it is only mandatory to advise neighbours that an application has been received and is currently under assessment. These applications generally apply to the construction of a new dwelling or an addition to an existing dwelling; the construction of a new group home or secondary dwelling; or the demolition of a building.

As there are no mandatory notification requirements, council regularly receives enquiries from the community about building works which commence next to them with no prior notice.

Further, once a certificate has been issued, the community do not have visibility to view what has been approved. If a person wants to view works approved under a complying development certificate, they are normally required to make a formal application under the *Government Information (Public Access) Act 2009*.

The Information and Privacy Commission (IPC) has provided council with guidelines on the release of information publicity associated with development applications. As a result of these guidelines, councils across NSW publish development applications and their documentation online to make them easily accessible and publicity available.

The definition of development applications under the *Environmental Planning and Assessment Act 1979* does not include complying development certificates.

To increase transparency and accessibility to public documents, changes should be considered to the relevant legislated frameworks to enable councils to publish complying development certificates on their websites like other development approval instruments.

Recommendation

- That the provisions of the *Environmental Planning and Assessment Act 1979*, should be updated to enable councils to make complying development certificates and construction certificates issued by private certifiers publicity available on their website.

This would give the community open access to information relating to complying development certificates to enable a better understanding of the approval mechanism in place for building works.

9 – Building Information Certificate (BIC) applications

Under division 6.7 of the *Environmental Planning and Assessment Act 1979*, a Building Information Certificate (BIC) application can be applied for and if approved, prevents councils from issuing an order to or take legal proceedings to have a building demolished, altered, added to or rebuilt, or to take proceedings in relation to any encroachment by the building onto land under the control of council.

Historically, a BIC application was obtained prior to the purchase or sale of a property to protect prospective buyers from enforcement action on structures that existed at the time of the certificate being issued.

Over recent years, the nature of works for which BICs are being sought has changed considerably. BICs are now being sought for:

- illegal works (works that do not have consent);
- works that are built not in accordance with the consent;
- where the certification of certain elements has been missed during the construction phase by the certifier; and
- where no Occupation Certificate has been issued by the certifier.

The *Environmental Planning and Assessment Act 1979* does not allow for development consent or a construction certificate to be issued for works already built. That is, the Act does not have provisions to approve retrospective works.

It would not be reasonable for the Act to allow works to be approved retrospectively as this would encourage illegal and non-compliant building works however, the legislation needs to be reviewed and updated to reflect the current use of the BIC provisions.

However, as a result of the current application of the BIC provisions, councils are now having to assess BIC applications in the same manner as they would a development application. That is, applications are being notified to adjoining neighbours to provide an opportunity to make a submission, an assessment is undertaken against the planning controls to determine whether there are amenity impacts, and seeking specialist advice to ensure that the works do not have an impact on public safety and the environment.

Additionally, the current provisions essentially compel local councils to issue BICs on the basis of structural adequacy only, which means that other concerns such as amenity and impact consideration cannot be taken into account as a factor to refusing a BIC.

Over the years, the volume of applications has substantially increased and as a result of this process in assessing these applications, the timeframes have been impacted and caused significant delays for the determination to be made.

Recommendations

- Since the implementation of the *Environmental Planning and Assessment Act 1979*, the provisions relating to Building Information Certificates have not changed and the provisions do not reflect the breadth of purposes for which this instrument is being utilised. The BIC framework should be reviewed to incorporate additional assessment criteria, including amenity and impact considerations in addition to certifying compliance with any relevant development approval in place for the subject property.

- Where a BIC application relates to unauthorised works, there should be a mandatory requirement for notification to neighbouring properties.

10 – Penalty infringement notices

Under the *Environmental Planning and Assessment Act 1979*, councils have the ability to issue penalty infringement notices for breaches of the Act. This includes penalty infringement notices for illegal works and works not in accordance with a consent.

The range for current penalty infringement notices are as follows:

- Development not in accordance with consent (residential) - \$1,500 for an individual and \$3,000 for a corporation,
- Development without development consent (residential) - \$1,500 for an individual and \$3,000 for a corporation,
- Development not in accordance with consent (other) - \$3,000 for an individual and \$6,000 for a corporation, and
- Development without development consent (other) - \$3,000 for an individual and \$6,000 for a corporation.

These penalty infringement amounts have not increased for a number of years and

therefore, do not act as a deterrent when issued. Additionally, the penalty amounts do not reflect the significance of the offence in some instances.

Recommendation:

- That the monetary value of penalty infringement notices should be reviewed and updated to serve as a deterrent for illegal and non-compliant building works.
- Consideration be given towards the introduction of an escalated approach to monetary penalties based on the significance of the offence.

11- Stop Works Orders

Under schedule 5 of the *Environmental Planning and Assessment Act 1979* (Act), councils have the power to issue Stop Works Orders (SWO) on building work or subdivisions work that is being carried out in contravention of the Act.

Building work is defined as “*any physical activity involved in the erection of a building.*”

Unfortunately activities such as earthworks, excavation, landfilling, tree removal and land clearing do not come under the definition of building work and therefore a SWO cannot be issued for these matters. At present, no immediate action can be taken to immediately stop these activities if they are being carried out illegally. This is a major oversight within the legislation that needs to be amended to give councils greater enforcement powers to deal with matter of this nature.

Recommendation

- The definition of “building works” within the legislation be expanded to include associated works such earthworks, excavation, landfilling, tree removal and land clearing to enable the issue of Stop Work Orders on works of this nature.

Response to Item 2C

- C. *Prepare a letter to the NSW Government, Shadow Planning Spokesperson, Department of Fair Trading, Office of Local Government, and Local Government NSW, highlighting the matters identified in A - B.*

Attachment 1 includes draft letters prepared to relevant NSW Government Ministers and to Local Government NSW, highlighting the matters identified above. The letters to the Minister for Planning and Public Spaces and Minister for Better Regulation and Fair Trading highlight the current issues of concern within the statutory framework and recommends opportunities for improving the level of transparency and accountability over how private certifiers operate, the framework around complying development, and the enforcement powers available to local councils and private certifiers.

The letters to the Minister for Local Government and LG NSW seek their ongoing support and advocacy on behalf of local councils on this matter of significant public concern.

Response to Item 3:

3. *The Chief Executive Officer prepare a workshop by May 2023 for the Councillors concerning any innovative ideas for improving compliance by the community with building and development regulations. This could include, for example:*
- A. *Proactive and random inspections of building sites*
 - B. *Joint inspection 'blitzes' with co-regulators such as the NSW EPA*
 - C. *Use of new technology to identify illegal development such as clearing of trees*
 - D. *Education campaigns to improve a culture of compliance.*

Update

A special briefing has been scheduled to be held in on **6 June 2023** to workshop this item with councillors.

Response to Item 4:

4. *The Chief Executive Officer report back to Council at the May 2023 meeting with options for resourcing a specialised compliance team responsible for dealing with allegations of unauthorised tree or vegetation clearing.*

Overview

Matters relating to tree removal and vegetation clearing are currently investigated through collaboration between a number of specialised business units within Council.

Each business unit is responsible to manage the enquiries they receive and make a determination on whether a breach has occurred. A breach in this instance means an unauthorised removal or clearing, either where there is an approval in place but the works have been carried out beyond the scope of the approval, or where an approval was required for the removal but was not sought prior to removal. Where a breach has occurred, these enquiries are referred to the Environmental

Compliance team for investigation. Environmental Compliance also rely on internal expertise, for example in relation to establishing the significance of tree species affected by any land clearing.

The following table provides a breakdown of how tree removal and vegetation clearing concerns are currently managed.

Business Unit	Role and Responsibility
Environmental Compliance (Building Control)	<ul style="list-style-type: none"> Enquiries regarding unauthorised tree removal related to <u>breaches of development consents</u>. Enquiries regarding land clearing, vegetation removal and any other tree removal breaches.
Parks & Recreation (Tree Services)	<ul style="list-style-type: none"> Enquiries regarding tree removal, damage to trees and poisoning of trees on <u>private property</u>, and Enquiries regarding tree removal, damage to trees and poisoning of trees on <u>public land</u> and within bushland areas.
Environment & Climate Change (Bushland & Biodiversity and Coast & Catchments)	<ul style="list-style-type: none"> Enquiries regarding vegetation clearing and tree removal on <u>Council land</u> or clearing of bushland in <u>biodiversity areas</u>, and Enquiries regarding damage to biodiversity conservation areas, understorey, seed bank, threatened species area.

The volume of enquiries received per business unit relating to tree and vegetation removal enquiries over the past 3 years is provided below.

Business Unit	2022	2021	2020	Total 2020-2023
Building Compliance	129	150	131	410
Bushland	104	257	209	570
Tree Services	218	286	265	769
Coast and Catchment	-	-	-	257

Environmental Compliance (Building Control) is responsible for investigating breaches of legislation and undertaking enforcement action where appropriate. These matters are generally referred to the compliance team internally from other business units and from customer referrals (complaints).

Where investigations are undertaken and evidence can be sought to demonstrate that a breach has occurred, Council will undertake appropriate enforcement action. This action can include but not limited to, issuing penalty infringement notices and Development Control Orders for the restoration of vegetation on land.

Following is a breakdown of the number of infringements issued per year and the monetary value of infringements relating to illegal tree removal.

Business Unit	2020	2021	2022	Total 2020-2023
infringements issued	7	8	35	50
value	\$22,500	\$19,500	\$102,000	\$144,000

Recently, Council was successful in defending a fine that was elected to be heard in Manly Court. The matter related to the illegal removal of trees in North Narrabeen. The defendant pleaded guilty to illegally removing the trees and was ordered to pay a fine of \$10,000.

Over the past three (3) years 16 restoration Orders have been issued that have required the submission of a vegetation management plan, that includes the planting of new vegetation and ongoing maintenance of the vegetation for a period of time. Currently, there are a number of ongoing investigations that may result in restoration orders being issued.

The Building Control team currently have six (6) full-time Compliance officers who undertake investigations in relation to a range of building and development compliance matters and investigate approximately 2,800 matters a year.

Currently there is one officer dedicated to investigating enquiries regarding unauthorised tree and vegetation removal and at any one time, can have up to 100 active investigations to manage.

The workload of the team is prioritised based on the level of risk, with tree removal and land clearing matters currently prioritised as urgent matters for immediate action.

The present challenges within the team include:

- a) Insufficient resourcing within the compliance team to effectively manage investigations regarding unauthorised tree and vegetation removal.
- b) The investigation of these enquiries is complex and requires a significant amount of time due to the level of evidence required to prove an offence and identify an offender. As these investigations are complex, considerable delays are being experienced as a result of the current volume of complaints being managed overall by the team.
- c) As outlined above, as there a number of business units involved, there are occasions where duplications arise when enquiries on the same issue are raised with multiple business units which results in a number of staff across the organisation investigating the same issue independently without being aware of the involvement of other business units.

Recommendation

1. As the management of tree removal and bushland clearing encompasses the close involvement of a number of key business areas within Council, it is recommended that a wholistic view be taken into the identification of the resourcing needs to serve a specialised team given the investigation into tree removal and land clearing crosses over three distinct business units.
2. The resourcing of the Building Control (Compliance) team is being reviewed as part of the service review of this function which is due to commence in June 2023. The resourcing of a specialised compliance team for tree removal and land clearing should therefore be incorporated into the service review of the building control team to explore appropriate models for resourcing a specialised team versus the provision of additional overall compliance resources within to improve overall service delivery for all matters of public safety and environmental harm.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Participation and Partnership - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The recommendations of this report seek to advocate for statutory and procedural change which would be of benefit to the local community.

ENVIRONMENTAL CONSIDERATIONS

The recommendations of this report seek to advocate for statutory and procedural change, an outcome of which would include improved powers to protect the environment from unauthorised building works.

GOVERNANCE AND RISK CONSIDERATIONS

The recommendations of this report seek to strengthen the current statutory framework which is place to regulate building works, and to improve the oversight of the private certification scheme within NSW.

ITEM 12.3	SUBMISSION TO INDEPENDENT PRICING AND REGULATORY TRIBUNAL - FRENCHS FOREST TOWN CENTRE CONTRIBUTIONS PLAN 2022
REPORTING MANAGER	ACTING EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2023/273414
ATTACHMENTS	1 📄 Draft Submission to Independent Pricing and Review Tribunal (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek Council's approval for a submission to be made to the Independent Pricing and Regulatory Tribunal (IPART) regarding IPART's review of Council's adopted Frenchs Forest Town Centre Contributions Plan 2022.

EXECUTIVE SUMMARY

The Frenchs Forest Town Centre Contributions Plan 2022 (the Contributions Plan) came into effect on 1 June 2022, together with amendments to the Warringah LEP 2011 which implemented new planning requirements for the Frenchs Forest Town Centre.

The part of the Contributions Plan which enables Council to impose development contributions exceeding \$20,000 per dwelling/lot (two- and three-bedroom dwellings only) does not, however, have effect until approved by IPART.

IPART has exhibited its review of the Contributions Plan (from 20 April to 19 May 2023) and Council has been granted an extension of time to 25 May 2023 to make a submission in response to this review.

The IPART review generally supports Council's Contributions Plan, however, it is recommended that Council make a submission (Attachment 1) to IPART in relation to the following matters:

1. Advocating for an expansion of the Government's "essential infrastructure" list to include community facility floorspace (not just land), noting that the proposed funding of a Community Hub building in Frenchs Forest through the Contributions Plan has not been supported by IPART.
2. Requesting inclusion of Rabbett Reserve embellishment in the Contributions Plan due to a shortfall in grant funding.
3. Proposing an inclusion of specific indexation for land costs and works costs in the Contributions Plan.
4. Requesting that a review of the Contributions Plan should not commence until 3 years after IPART's review is finalised.

RECOMMENDATION OF ACTING DIRECTOR PLANNING AND PLACE

That Council:

1. Make a submission, as provided at Attachment 1 of this report, to the Independent Pricing and Regulatory Tribunal for its consideration ahead of the finalisation of its report on the Frenchs Forest Contributions Plan for the Minister for Planning and Public Spaces.
 2. Write to the NSW Minister for Planning and Public Spaces, the Minister for Local Government, and the Member for Wakehurst to specifically request that the essential infrastructure list is expanded to include community facility floorspace, to enable Council to collect funds for the construction of facilities which benefit the community.
 3. Be advised of the NSW Minister for Planning and Public Spaces' final determination on the Frenchs Forest Town Centre Contributions Plan.
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REPORT

BACKGROUND**Frenchs Forest 2041 Place Strategy**

On 17 December 2021, the NSW Government finalised the Frenchs Forest 2041 Place Strategy (the Place Strategy). The Place Strategy will deliver approximately 2,000 new dwellings and 47,000 square metres of non-residential floor space in the Frenchs Forest Town Centre. The new planning controls came into effect on 1 June 2022.

Frenchs Forest Town Centre Contributions Plan

Council with its consultant, GLN Planning, prepared a development contributions plan for the new development anticipated by the Place Strategy in accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The contributions plan identified infrastructure requirements and would enable council to levy development contributions for development on land rezoned under the Place Strategy.

At its meeting on 24 May 2022, Council considered a report on the outcomes of the exhibition of the Draft Frenchs Forest Town Centre Contributions Plan 2022 (the 'Contributions Plan') and resolved as follows:

12.1 OUTCOME OF PUBLIC EXHIBITION - FRENCHS FOREST TOWN CENTRE CONTRIBUTIONS PLAN**147/22 RESOLVED**

Cr Menano-Pires / Cr Heins

That Council:

1. *Note the outcomes of the public exhibition of the draft Frenchs Forest Town Centre Contributions Plan.*
2. *Adopt the draft Frenchs Forest Town Centre Contributions Plan (as amended).*
3. *Forward the adopted Frenchs Forest Town Centre Contributions Plan to the Independent Pricing and Regulatory Tribunal for review.*
4. *Notify submitters of the Council decision.*
5. *Write to the State Government to:*
 - A. *Note the constraints that Council staff have identified in being able to include community facilities, such as the Community Hub, in this plan despite the approved upzoning generating demand for such facilities.*
 - B. *Note that works are required to State owned roads and request an update on the timeframe for these works, to ensure that the road network is appropriately upgraded to facilitate this development.*
 - C. *Request that the State Government offer residents impacted by state road acquisition works early acquisitions, to avoid residents having uncertainty and financial stress of not knowing when the State Government will eventually carry out the roadworks.*

VOTING

FOR: *Unanimous*

CARRIED

The Contributions Plan came into effect on 1 June 2022 together with the new planning and development provisions applying to land in the Frenchs Forest Town Centre.

On 5 August 2022, Council's adopted Contributions Plan and supporting documentation were submitted to IPART requesting a review of the adopted plan.

Ministerial Direction related to Development Contributions and requirement for review by IPART

The Contributions Plan includes the following contribution rates:

Residential Rate	Rate in adopted Contributions Plan
Per resident	\$11,974
Boarding House Room	\$16,765
Self-Contained Seniors Living Dwelling	\$17,960
1 Bedroom Dwelling	\$19,159
2 Bedroom Dwelling	\$26,345
3+ Bedroom Dwelling	\$37,120
Non-Residential Rate	Rate in adopted Contributions Plan
per m ² of GFA	\$337

Table 1: Rates in the Contributions Plan

On 21 August 2012, the then Minister for Planning issued a Ministerial Direction entitled "Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012" setting out the maximum amounts that may be imposed by councils via conditions of consent under section 7.11 of the EP&A Act for residential development.

This Direction caps contributions for residential development at \$20,000 per new dwelling/lot. The Direction also allows councils to impose contributions that exceed the capped amounts where the relevant contributions plan has been reviewed by IPART.

The residential contribution rates in the adopted Contributions Plan for two- and three-bedroom dwellings exceed the maximum permitted rate of \$20,000 per new dwelling/lot. Council has therefore sought the approval of IPART to impose the contribution rates included in its Contributions Plan.

IPART REVIEW FINDINGS

On 20 April 2023, IPART placed on exhibition its Draft Report on the Frenchs Forest Contributions Plan. The report states that the contributions plan has been assessed against the Department of Planning and Environment's (DPE) Practice Note criteria and found it satisfactory with some recommendations.

Assessment Summary

Essential Works List <small>As per 3.2 of the practice note</small>	Nexus <small>Connection with new population</small>	Reasonable cost	Reasonable timetable	Consultation	Other relevant matters
 Partially Supported <small>Recommendations</small>	 Supported <small>Evidence Provided</small>	 Partially Supported <small>Recommendations</small>	 Supported <small>Evidence Provided</small>	 Supported <small>Evidence Provided</small>	 Partially Supported <small>Recommendations</small>

The report provides 8 recommendations, namely:

1. Council update cost estimates based on designs in subsequent reviews of the contributions plan.
2. The contributions plan be updated with the 2022 land valuations.
3. Council removes the embellishment costs of Brick Pit Reserve, Akora Reserve and Rabbett Reserve funded by grants.
4. Remove the costs for the community hub building from the contributions plan.
5. Include an administration cost of \$12,000 per land acquisition where the council will have to acquire on a market basis. Council to provide actual costs as part of the next review.
6. The work schedule to be updated as per the version dated 7 November 2022 subject to the Minister's advice on including the recommendations of this report.
7. Council investigates the preparation of a land value index for the proposed land acquisitions and the use of ABS PPI for indexing the cost of works.
8. Council reviews the Frenchs Forest Town Centre Contributions Plan within 3 years.

Based on the recommendations, IPART has determined:

- that the reasonable total cost of works and land is **\$62,329,358**.
- the estimated development contribution rate for a 2 bedroom dwelling to be **\$24,342**.

It is the case that all contribution rates are slightly lower than those in Council's adopted Contributions Plan based on IPART's assessment that some infrastructure costs should be removed from the plan.

CONSULTATION

The exhibition period closed on Thursday, 19 May 2023 however IPART has granted Council an extension of time to 25 May 2023 to allow for Council's submission to be considered by Council at its meeting of 23 May 2023.

The IPART report has been circulated to Council's Contributions Panel to seek input for inclusion into the draft submission. Council staff generally support IPART's recommendations for the Contributions Plan. The following matters have been identified as warranting further discussion:

- The community hub building.

- Rabbett Reserve embellishment and request for its inclusion in the Contributions Plan.
- Adoption of specific indexation for land costs and works costs.
- Timing of Council's review of the contributions plan.

Community hub building funding – advocate for change to Government's "essential works" list

The NSW Government's Frenchs Forest 2041 Place Strategy plans for approximately 9,670sqm of floor space for community, indoor sport, childcare, and library land uses, known as the community hub building, to be sited in the Frenchs Forest Town Centre.

Council included the costs for construction of the community hub building in the Contributions Plan. However, IPART has removed this from the Contributions Plan as it considers it not to be "essential works."

Whilst Council continues to argue that community/ library facilities should be counted as essential infrastructure, they are not currently listed in the essential works list created by the NSW Government. Consequently, IPART cannot include the community hub building in the Contributions Plan.

To date, no other funding source has been identified for the construction of the community hub, making this an unfunded project.

It is recommended that Council write to the NSW Minister for Planning and Public Spaces, the Minister for Local Government, and the Member for Wakehurst to specifically request that the essential infrastructure list is expanded to include community facility floorspace, to enable Council to collect funds for the construction of facilities which benefit the community.

Request to include Rabbett Reserve embellishment in the Contributions Plan

A two-fold strategy was established to address the anticipated open space and recreation demands of the Frenchs Forest Town Centre precinct:

1. Embellish the existing Brick Pit Reserve, Akora Reserve and Rabbett Reserve as:
 - All 3 reserves are located adjacent to the precinct and within easy walking distance for future residents.
 - The embellishment of these existing reserves will improve the quality of this open space and help address the increased demand.
2. Identify and acquire additional land and embellish this land for open space. The additional land to be acquired is:
 - part of the Forest High School site,
 - one privately owned property adjacent to Rabbett Reserve, and
 - 3 privately owned properties adjacent to Akora Reserve.

The embellishment costs for the existing reserves in the Contributions Plan are:

Reserve Name	Embellishment Cost (based on Dec 2021 dollars)
Brick Pit Reserve	\$1,652,791
Akora Reserve	\$1,970,650

Rabbett Reserve	\$1,893,027
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Table 2: Embellishment Costs for reserves

Council's original application to IPART requesting a review of the Contributions Plan included a request to remove the embellishment costs for these 3 reserves as an alternate funding source, a government grant, had been secured. At the time, Council believed the grant amount of \$6,165,679 would cover the cost of embellishment of all three reserves.

The planning and design of the grant funded embellishment works has now commenced. The recently received cost estimate for embellishment at Brick Pit Reserve identified that project costs have increased by 31% due to recent cost escalations.

The grant funding was provided as a lump sum and is not indexed to reflect changing infrastructure delivery costs. The grant is insufficient to cover all embellishment costs for all 3 reserves. The \$6,165,679 will only cover the embellishment costs planned for Brick Pit Reserve and Akora Reserve. These reserves have been prioritised for the grant funding as they are closer to the Frenchs Forest Town Centre precinct.

Council's submission will now request the embellishment costs for Rabbett Reserve to be retained in the Contributions Plan to ensure that it can fund all required open space infrastructure to address anticipated demands. The embellishment of Rabbett Reserve is now costed at \$1,965,836 indexed on 7 November 2022 (being the date the other infrastructure items reviewed by IPART are indexed).

IPART has acknowledged that there is a nexus between the anticipated demand for open space and the infrastructure required to address this demand. Nonetheless, if IPART does not support Council's request, there will be a shortfall of funding to deliver the necessary embellishment of Rabbett Reserve. This will result in a shortfall of open space and recreation infrastructure for residents of the Frenchs Forest Town Centre precinct.

Propose inclusion of specific indexation for land costs and works costs in Contributions Plans

Infrastructure costs in the Contributions Plan are indexed to account for future cost changes, aimed at ensuring that Council collects adequate funding to deliver the required infrastructure over the life of the Contributions Plan.

IPART recommendation 7 requires "...Council to investigate the preparation of a land value index for the proposed land acquisitions and the use of ABS PPI for indexing the cost of works."

The Contributions Plan indexes infrastructure costs annually using the Consumer Price Index (all groups, Sydney), as published by the Australian Bureau of Statistics (ABS). This indexation has historically been used for contribution plans and is referenced in the Environmental Planning and Assessment Regulation 2021 and the Development Contributions Practice Note (Department of Infrastructure, Planning and Natural Resources, July 2005). Nonetheless, the CPI does not adequately reflect cost escalation for land and construction of infrastructure ('work costs') over the 10/20-year life of a contributions plan.

Indexation for Land costs

Land costs can be quite volatile, and a more appropriate index than the CPI is required to ensure that future contribution rates accurately reflect changes in land costs. The draft submission to IPART recommends the following methodology for indexation of land costs:

- a. Land identified for acquisition is revalued every 3 years as part of the rolling review of the Contributions Plan.

- b. Land costs are indexed for the two years between revaluations using the annual change in in the Valuer General's report on land values in the Northern Beaches.
- c. Indexation of land will occur annually following the public release of the Valuer General's report.

Indexation for Works costs

IPART recommends the use of Producer Price Indices (PPI) for costing construction of infrastructure as they are a targeted industry index reflecting cost escalations of a narrower set of inputs that more accurately reflect changes to infrastructure delivery costs than the Consumer Price Index (CPI).

Our submission to IPART supports the use of the PPI (Road and Bridge Construction NSW) for road and stormwater works and the PPI (Non-residential Construction NSW) for open space works.

Timing of Council's review of the contributions plan

IPART recommendation 8 requires "*Council to review the Frenchs Forest Town Centre Contributions Plan within 3 years*".

The adopted Contributions Plan came into effect on 1 June 2023 however the IPART review means that the residential contributions rate above the \$20,000 per dwelling/lot is yet to be applied.

It is prudent for Council to request that the first review of the contributions plan occurs within 3 years following the IPART-reviewed contributions plan coming into force, which means the review would commence in FY2026/27.

TIMING

Subject to the endorsement of Council the submission at Attachment 1 will be submitted to IPART by 25 May 2023.

Council's proposed letter to the Minister for Planning and Public Spaces advocates for the essential works list to be expanded to allow development contributions to be collected to fund the construction of community facility floorspace.

Additionally, Council's proposed letter to the Member for Wakehurst advocates for support for Council's submissions to IPART.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

Housing, places and spaces - Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs.

FINANCIAL CONSIDERATIONS

Until the IPART review is completed, Council can only legally impose a residential contribution rate capped at \$20,000 per new lot/dwelling.

IPART's draft recommendations are generally supportive of Council's Contributions Plan and if the Minister agrees, will ensure that Council can collect the development contributions it requires to deliver the identified local infrastructure commensurate with the Town Centre development.

Council's submission requests that the embellishment costs for Rabbett Reserve be included in the Contributions Plan as this project is not funded.

The inclusion of Rabbett Reserve embellishment costs will result in a total cost of works of \$63,748,933 (rather than the \$62,329,358 referenced in IPART's exhibited draft report).

If the request is supported, it will result in changes to the residential contribution rates, as tabled below:

Residential Rate	Rate in adopted Contributions Plan	Rate with IPART recommendations	
		Without Rabbett Reserve	With Rabbett Reserve
Per resident	\$11,974	\$10,878	\$11,391
Boarding House Room	\$16,765	\$15,230	\$15,947
Self-Contained Seniors Living Dwelling	\$17,960	\$16,318	\$17,086
1 Bedroom Dwelling	\$19,159	\$16,425	\$17,199
2 Bedroom Dwelling	\$26,345	\$24,342	\$25,488
3+ Bedroom Dwelling	\$37,120	\$34,520	\$36,146

Table 3: Changes to Residential Contribution Rates

If Council's request regarding Rabbett reserve is not agreed to, the embellishment cost of \$1,965,836 will be unfunded. Council will not be able to deliver embellishment for Rabbett Reserve, and there will be a shortfall in the open space provision for the Frenchs Forest Place.

SOCIAL CONSIDERATIONS

Future development within the Frenchs Forest Town Centre will require the delivery of social infrastructure to support the new community. The NSW Government's Place Strategy plans for approximately 9,670sqm of floor space for community, indoor sport, childcare, and library land uses. Whilst the planning controls and strategic documents allow for the potential to include a community hub, it remains an unfunded project. Alternative funding sources/negotiations with developers will be required to inform decisions and support delivery of the community hub.

IPART's recommendation to remove the community hub from the adopted Contributions Plan is in line with current legislative restrictions imposed by the NSW Government. Council continues to advocate for legislative change, aimed at allowing Councils to collect funds for the building of these facilities in the contributions plan.

ENVIRONMENTAL CONSIDERATIONS

The Contributions Plan will deliver new open space (land and works).

Council's submission to IPART seeks to allow the embellishment costs for Rabbett Reserve to be funded by the adopted Contributions Plan. If Council's request is not supported, the embellishment of Rabbett Reserve becomes an unfunded project notwithstanding it is identified in the NSW Government's Frenchs Forest 2041 Place Strategy and is critical to the open space requirements for Frenchs Forest Town Centre.

GOVERNANCE AND RISK CONSIDERATIONS

IPART's review of Council's adopted Contributions Plan is in accordance with relevant legislation. The exhibition of its Draft Report allows Council to make a submission to IPART ahead of the report being finalised and forwarded to the Minister for Planning and Public Spaces for determination.

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1	PUBLIC EXHIBITION OF PROPOSAL TO NAME A LOOKOUT AT WEST STREET, BALGOWLAH, GUGANAGINA (KOOKABURRA) LOOKOUT
REPORTING MANAGER	EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2023/039084
ATTACHMENTS	1 Location Map - Proposed Guganagina (Kookaburra) Lookout

PURPOSE

To seek Council's endorsement to publicly exhibit the proposal to name a lookout at the corner of West Street and Lower Beach Street, Balgowlah, as Guganagina Lookout. Guganagina is the Sydney Aboriginal word for Kookaburra.

EXECUTIVE SUMMARY

A request has been received to name an area of land with extensive views over North Harbour towards Manly. The request expressed a preference for seeking an Aboriginal name. The land in question consists of a section of road reserve at the corner of West Street and Lower Beach Street, Balgowlah, (see location map at Attachment 1).

The name Guganagina Lookout is proposed. This is the Sydney Aboriginal word for Kookaburra. The word is taken from the book 'The Sydney Language' by Professor Jakelin Troy (1993). The name is proposed following consultation with and support from the Northern Sydney Aboriginal Heritage Office.

The proposed name aims to recognise the area's Aboriginal history and connection to nature, with the kookaburra being commonly sighted in the area. The proposal is consistent with Council's Naming our Reserves, Facilities and Roads policy. The lookout is considered a facility and does not require endorsement from the Geographical Names Board of NSW (GNB).

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council place the proposal to name the lookout at the corner of West Street and Lower Beach Street, Balgowlah, as Guganagina (Kookaburra) Lookout on public exhibition for a minimum of 28 days.
 2. The outcome of the public exhibition be reported to Council.
-

REPORT

BACKGROUND

A request has been received to seek an Aboriginal name for part of a road reserve with extensive views over Manly and North Harbour at the corner of West Street and Lower Beach Street, Balgowlah. A seat has been recently installed here to take advantage of the views and provide a resting place. See photos of the lookout below and a location map at Attachment 1.



Image 1: View from corner of West Street and Upper Beach Street, part of the proposed Guganagina Lookout

The name Guganagina Lookout is proposed. This is the Sydney Aboriginal word for Kookaburra as documented in a collation of Aboriginal words in the book 'The Sydney Language' by Professor Jakelin Troy (1993).

Kookaburras are known to frequent the Northern Beaches area, including Balgowlah. They are terrestrial tree kingfishers of the genus *Dacelo*, native to Australia and New Guinea. They have a distinctive laughing sound that resembles human laughter. The name is considered fitting given the lookout provides a 'birds-eye' view over Manly and North Harbour.

Professor Troy is a linguist and Director of the Aboriginal and Torres Strait Islander Research Portfolio at the University of Sydney and her collation of Sydney Aboriginal words is recommended for use by the Northern Sydney Aboriginal Heritage Office (AHO) and the Metropolitan Local Aboriginal Land Council (MLAC).

The AHO is jointly funded by a partnership of Northern Sydney Councils to provide advice and guidance on Aboriginal heritage matters.

MLALC is an incorporated body constituted under the NSW Aboriginal Land Rights Act (ALRA). The ALRA states that the objects of each Local Aboriginal Council is to "improve, protect and foster the best interests of all Aboriginal persons within the Council's area and other persons who are members of the Council".

Professor Troy quotes a number of sources of word lists compiled during the early years of the colony, largely by officers of the First Fleet. This includes John Hunter, Captain of the First Fleet's HMS Sirius, who later succeeded Arthur Phillip as the second Governor of New South Wales. Following the early years of the colony, word lists were considered less reliable as a pidgin language developed as a more favourable means of cross-cultural communication.

Professor Troy presents a well referenced academic linguistic analysis that explains the variations in pronunciation and spelling, differences in coastal and inland dialects, differences in how the words were recorded and interpreted and information on her phonological analysis, orthography and detailed grammatical notes.

The word Kookaburra is an Aboriginal word, being the Wiradjuri Country (in Central NSW) word for the Guuguuburra. However, that was not the word used by Aboriginal people in Sydney. Similarly, the word Kangaroo or Gangurru is from far north Queensland and was not used in the Sydney area. Of interest, Professor Troy notes that:

Sydney Language words in the manuscripts frequently have initial and medial unvoiced consonants *k*, *t* and *p*. However, it is well known that in Australian languages only final consonants are unvoiced. Therefore, I have changed all initial and medial unvoiced consonants in the data to their voiced forms *g*, *d* and *b*.

Council's Naming our Reserves, Facilities and Roads Policy and the Geographical Names Board of NSW (GNB) Policy – Place Naming, both support the use of Aboriginal words in naming geographical features and locations. Feedback from recent community consultation for other naming projects has revealed strong support for using Aboriginal and nature-based names.

CONSULTATION

The AHO was consulted to assist in identifying a suitable name for the lookout.

The AHO provides advice and guidance on Aboriginal heritage matters and a free educational program for use by Northern Beaches schools.

The AHO supports the name Guganagina Lookout and its meaning. The proposed name was forwarded to the Metropolitan Local Aboriginal Land Council for comment, however a response was yet to be received at the time this report was written.

Should the recommendation within this report be supported, the naming proposal would be placed on public exhibition for a minimum of 28 days, during which community feedback will be sought. The opportunity to provide feedback would be promoted via:

- Emails to stakeholders and relevant resident and special interest groups
- A temporary on-site sign
- Letters to nearby residents
- A Your Say online project page and feedback form.

Aboriginal stakeholder groups and individuals will be invited to comment during the public exhibition period.

Submissions will be accepted via a range of methods including an online feedback form, email, letter, phone or in person meetings.

TIMING

The proposed name would be placed on public exhibition for a minimum of 28 days. Following public exhibition feedback would be analysed and the outcomes reported back to Council.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Partnership and participation - Goal 21 Our community is engaged in decision making processes

FINANCIAL CONSIDERATIONS

Public exhibition would be funded through the 2022/23 Parks and Recreation operational budget. Should the naming proposal be approved by Council, signage would be installed with interpretive

information. Signage would cost approximately \$2000; this expense can be met with funds from the 2022/23 Parks and Recreation operational budget.

SOCIAL CONSIDERATIONS

This naming proposal aims to increase awareness and recognition of the Northern Beaches Aboriginal culture and heritage. Recent consultation on naming projects has seen strong support for Aboriginal naming and nature-based names. Council's Let's Play – Open Space and Outdoor Recreation Strategy and Action Plan 2022 supports prioritising Aboriginal words in the naming of parks and natural areas in line with Council's Naming our Reserves, Facilities and Roads Policy. This naming proposal is considered an appropriate way to name this viewing area for the benefit of the community and future generations and provides an educational opportunity through the installation of an interpretive sign explaining the name.

ENVIRONMENTAL CONSIDERATIONS

The recommendations in this report pose no environmental impacts.

GOVERNANCE AND RISK CONSIDERATIONS

The naming proposal in this report is consistent with the GNB Policy – Place Naming and Council's Naming our Reserves, Facilities and Roads Policy. Naming a facility, such as a lookout, does not require endorsement from the GNB, however, should the name be adopted by Council the GNB would be notified and the name of the lookout added to its mapping database. The implementation of the new name would also involve installing a sign and updates to Council's webpage and spatial information.



ITEM 13.2	PUBLIC EXHIBITION OF DRAFT NORTHERN BEACHES TREE CANOPY PLAN
REPORTING MANAGER	EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2023/106413
ATTACHMENTS	1 ⇒ Draft Tree Canopy Plan (Included In Attachments Booklet)

PURPOSE

To seek Council's endorsement to publicly exhibit the Draft Northern Beaches Tree Canopy Plan.

EXECUTIVE SUMMARY

The Northern Beaches is home to a large and diverse open space network with significant natural areas, parkland, beaches and foreshore. This unique mix of land and water environments provides a strong sense of place and belonging for our community and is a defining feature of the culture and identity of the Northern Beaches. The wellness of our people, our community and our economy is linked to access to and quality of our open spaces and our tree canopy contributes significantly to the liveability and resilience of the Northern Beaches as well as to its biodiversity, amenity and character.

While the Northern Beaches boasts one of the highest tree canopy covers in the Greater Sydney area, it faces a range of pressures including development and a range of human impacts. A previous of the Draft Urban Tree Canopy Plan was placed on public exhibition. Community feedback and submissions were sought, received, and reviewed 84% of people said that trees were very important or important.

Council has long been focusing on improving the management of trees and greening of public and private lands and has made ongoing commitments in the Towards 2040 - Local Strategic Planning Statement (2020) and the Protect. Create. Live. Environment and Climate Change Strategy 2040.

The previous Draft Urban Tree Canopy Plan has been reviewed and developed into a Draft Northern Beaches Tree Canopy Plan (Draft Plan). The Draft Plan supports the implementation of actions in Council's strategic documents and guides future policy, planning and improvements as well as management of our tree canopy holistically and equitably over the next 4 years, (Attachment 1 - Draft Tree Canopy Plan). Consideration has been given to public and private property and all open space areas including coastal, urban park and bushland.

In response to the previous engagement process and our research up to the present, the Draft Plan proposes the following focus areas:

- Focus area 1: Manage public trees as essential assets to maintain canopy across public lands - streets and parks
- Focus area 2: Increase the capacity of the community to participate and engage in public tree canopy and greening projects
- Focus area 3: Monitor losses and gains in the canopy across the NBC area and support the community to retain and protect canopy
- Focus area 4: Strengthen the local planning framework (eg. LEP and DCP) to support retention, protection, replacement, and growth of private trees.

The new plan outlines the actions recommended for implementation over the next 4 years to meet community needs and aims to maintain and expand the Northern Beaches tree canopy. These actions are aligned to the strategic directions and Council's Resourcing Strategy and Community

Strategic Plan. Implementation of these actions is dependent on resourcing, funding, environmental assessments, outcomes of any relevant feasibility research and will be informed by community feedback.

It is proposed to place the Draft Northern Beaches Tree Canopy Plan on public exhibition for a minimum of 28 days and the outcomes to be reported back to Council.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council place the Draft Northern Beaches Tree Canopy Plan on public exhibition for a minimum of 28 days.
 2. The outcome of public exhibition of the Draft Northern Beaches Tree Canopy Plan be reported to Council.
-

REPORT

BACKGROUND

The Northern Beaches is home to a large and diverse open space network with significant natural areas, parkland, beaches and foreshore. This unique mix of land and water environments provides a strong sense of place and belonging for our community and is a defining feature of the culture and identity of the Northern Beaches. The wellness of our people, our community and our economy is linked to access to and quality of our open spaces. Our tree canopy contributes significantly to the liveability and resilience of the Northern Beaches as well as to its biodiversity, amenity and character.

The Draft Northern Beaches Tree Canopy Plan (Draft Plan) has been developed to support the implementation of actions in the Protect. Create. Live. Environment and Climate Change Strategy 2040, and the Towards 2040 – Local Strategic Planning Statement (LSPS) strategies and to guide future policy, planning and improvements as well as management of our tree canopy holistically and equitably over the next 4 years.

The Draft Plan has been informed by community feedback on an earlier draft plan, the Environment and Climate Change Strategy, the LSPS, Local Environment Plans (LEPs), Development Control Plans (DCPs), LIDAR Survey data, and identified current and future community needs relevant to the Northern Beaches.

In developing the Draft Plan consideration has been given to public and private property and open spaces including coastal areas, urban park and bushland. A summary of community values and key sections of the Draft Plan are outlined below.

Community values

Previous community feedback indicates that our residents value and appreciate:

- Our tree canopy
- The benefits of trees
- Tree planting
- The need to reduce the heat Island effect
- Tree canopy is a key form of green infrastructure
- Engaging in public tree canopy and greening projects
- Controls and policy that support the retention and protection of trees
- Environmental sustainability
- Wellbeing benefits
- Proximity to open spaces nature and views.

Achievements so far

The Draft Plan outlines many achievements to date including:

- Ongoing management of more than 1,700 hectares of bushland by Council, home to 1,460 native plant species and 540 native animal species
- Ongoing management of three pseudo-arboretums including Stony Range Botanical Garden, Ivanhoe Park Botanical Garden and Palm Beach Bible Garden
- Community nursery program and associated volunteers

- Bushcare program with over 400 volunteers who work at over 80 sites
- Ongoing annual tree planting program
- Tree giveaways at events such as National Tree Day and market days
- Development of the Public Open Space and Design Guidelines with professional input from arborists, planners, engineers, urban designers, biodiversity experts, landscape architects and the community, including a species list to seek better outcomes in public domain projects.

Pressures and challenges

The Draft Plan identifies the pressures and challenges in maintaining and growing the tree canopy as including:

- Population increases and urban intensification
- Climate change
- Illegal tree removal and tree vandalism
- Community expectations
- Problematic trees and weeds
- Pests and disease

Focus areas

In response to community feedback and research findings the Draft Plan proposes the following focus areas as a means to building on existing achievements relating to bushland and biodiversity and to work towards achieving our goals, commitments and aspirations over the next four years:

- Focus area 1: Manage public trees as essential assets to maintain canopy across public lands - streets and parks
- Focus area 2: Increase the capacity of the community to participate and engage in public tree canopy and greening projects
- Focus area 3: Monitor losses and gains in the canopy across the LGA and support the community to retain and protect the canopy
- Focus area 4: Strengthen the local planning framework (e.g. LEP and DCP) to support retention, protection, replacement, and growth of private trees.

Key actions

Some of the key actions outlined in the Draft Plan include:

- Continue with annual 5,000 trees public tree planting program
- Protection of our existing trees
- Maintain the existing tree canopy cover
- Improve tree diversity and health
- Motivate, inspire and support the community to protect and enhance our tree canopy
- Undertake an audit of public trees
- Implement an iconic tree register for public land
- Raise awareness about public tree planting programs

- Develop a communications and engagement plan for canopy initiatives
- Measure tree canopy cover every 4 years
- Opportunities to understand the canopy losses on private and public land
- Update the LEP and DCP to reflect the LSPS principles including those that focus on the need for retention and protection of the tree canopy
- Investigate and act upon unauthorised activities that impact upon tree canopy such as illegal vegetation clearing, unauthorised recreational trails, and other environmental damage, and support Council's Compliance team to enforce penalties as required
- Promote the importance of retention and protection of trees as part of the development application and tree removal process.

Once adopted the Tree Canopy Plan will be implemented over four years in line with organisational priorities and resource availability.

CONSULTATION

The community engagement on the earlier draft included the following activities:

- Your Say Northern Beaches will be used to conduct online engagement. It provides a portal for users to visit, find information to support their engagement and offer feedback
- Face-to-face (drop-in) session designed to offer Northern Beaches residents, workers, students and visitors another opportunity to provide feedback
- Online submission form with a series of prompting questions
- Library displays – with posters and hard copies of the Plan
- Written submissions
- Targeted stakeholder group consultation, eg. Avalon Preservation Society
- Environment Strategic Reference Group
- Three Manly Daily ads provided large distribution scope to raise project awareness and community interest
- Electronic direct mail (EDMs) project was included in 3 Northern Beaches Community Engagement Newsletters. With a distribution list of over 20,000, this activity increased awareness and drove traffic to the project landing-page, essential documentation, and engagement tools
- Council also sent one direct email to approximately 360 community members
- Targeted internal stakeholder meetings, workshops and communications has also occurred with relevant internal Council teams including Environment and Climate Change and Strategic and Place Planning.

The outcomes of the proposed community engagement of the Draft Tree Canopy Plan will inform the final plan.

The proposed public exhibition of the revised Draft Plan will include the following:

- Your Say project page
- Social media promotion
- Media release
- Emails to resident and special interest groups

- EDMs to the community engagement register
- Online feedback form
- Written and email submissions.

A summary of submissions received through public exhibition will be reported back to Council.

TIMING

Should the recommendations in this report be supported, the Draft Northern Beaches Tree Canopy Plan will be placed on public exhibition for a minimum of 28 days.

Once adopted the Plan's recommended actions will be considered in a delivery timeframe linked to Council's Resourcing Strategy as follows: current action (22/23) and short-term actions (23/24 to 25/26).

LINK TO STRATEGY

The draft Tree Canopy Plan has been informed by and is integrated with Council's strategies and plans including the Community Strategic Plan, Northern Beaches Local Strategic Planning Statement, Social Sustainability Strategy 2040, Environment and Climate Change Strategy, Development Control Plan and Local Environment Plan.

The Draft Tree Canopy Plan relates to the Community Strategic Plan Outcomes of:

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

FINANCIAL CONSIDERATIONS

The costs associated with the proposed public exhibition of the Draft Tree Canopy Plan can be met with funds from the 2023/24 Parks and Recreation operational budget.

Implementation of the recommended actions in the Plan is dependent on resourcing, funding, environmental assessments, outcomes of any relevant feasibility research and will be informed by community feedback. Grant funding and external funding will also be sought from other tiers of government.

A review of the plan's recommended actions will be undertaken as part of Council's annual budget process.

SOCIAL CONSIDERATIONS

The well-being of our community and our economy is linked to the quality of our tree canopy and open space network. The Plan is not only a guide for how Council can manage the tree canopy and needs of our community but also underpins Council's commitment to the ongoing provision of a quality tree population. The Draft Plan supports the long-term goal of greener neighbourhoods as identified in Council's Environment and Climate Change Strategy. The goal for greener neighbourhoods is for the built environment to integrate with nature and connect our community through green and blue networks to support active travel and healthy lifestyles – to design our community around nature.

ENVIRONMENTAL CONSIDERATIONS

The need for the retention and protection of trees and the need to be sympathetic to the natural environment was a strong theme that came out through the previous community engagement undertaken. The Draft Plan supports retention and increase in the tree canopy across the Northern Beaches. This is aimed at protecting significant trees and trees that provide habitat, shade and cooling, and aesthetic value for both public and private lands.

Undertaking appropriate environmental assessments and implementing assessment outcomes is Council's practice for all projects and programs and applies to the plan and recommended Actions.

GOVERNANCE AND RISK CONSIDERATIONS

Developing the Tree Canopy Plan was identified as an action in the Northern Beaches Protect, Create, Live, Environment and Climate Change Strategy 2040, the LSPS Toward 2040 strategies. A review of the Plan's recommended actions will be undertaken as part of Council's annual budget process and after each fifth year to ensure that these actions remain consistent with community needs and Council's strategic directions and Community Strategic Plan are sustainable and financially viable.

ITEM 13.3	PROPOSED EASEMENT TO DRAIN WATER OVER ALLINGTON RESERVE, ELANORA HEIGHTS TO BENEFIT 51 KALANG ROAD, ELANORA HEIGHTS
REPORTING MANAGER	MANAGER, PROPERTY, COMMERCIAL & TOURIST ASSETS
TRIM FILE REF	2023/251109
ATTACHMENTS	1 Proposed Easement Plan 2 Summary Report of Public Notification

NOTE: *This item was deferred from the 18 April 2023 Council Meeting*

SUMMARY

PURPOSE

To consider a request for an easement to drain water through a Council reserve (Allington Reserve, Elanora Heights) by the adjacent property owner. The land is Council-owned Community Land and the easement purpose is for the installation of an underground stormwater drainage pipe for connection to Council's underground stormwater drainage pit within Council's reserve.

EXECUTIVE SUMMARY

On 1 June 2022, the owner of 51 Kalang Road, Elanora Heights (the applicant) was granted a deferred Development Consent DA2021/1426 for the demolition of the existing dwellings and construction of a shop-top housing development at this location.

The natural fall of this land at 51 Kalang Road Elanora Heights (Lot 2 DP 528120) is towards the rear of the site. As a result, the deferred Development Consent condition requires the applicant to obtain an easement for the disposal of stormwater overflow generated from the proposed development to protect adjoining properties.

Therefore, the applicant has applied to Council to obtain an easement to drain water through the adjoining Allington Reserve, Elanora Heights (Lot 2 DP 513295). This is to allow installation of an underground stormwater drainage pipe connecting to Council's stormwater drainage pit within Allington Reserve.

Council staff have undertaken internal stakeholder consultation and external public notification in accordance with section 47 of the *Local Government Act 1993*. Only one submission was received which was in support of the proposed easement.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Authorise an Easement to Drain Water, one-metre-wide and approximately 19 metres in length, and associated Positive Covenant, by underground pipe within Lot 2 DP 513295 Allington Reserve, Elanora Heights in favour of 51 Kalang Road, Elanora Heights (Lot 2 DP 528120) for an amount in accordance with Council's adopted Fees and Charges.
2. Require the applicant to fund all costs associated with the granting of the proposed easement and associated Positive Covenant as referred to in Item 1 of this recommendation, including but not limited to, Council's legal costs, GST if applicable, document registration and reinstatement of land post authorised drainage works.
3. Delegate authority to the Chief Executive Officer to execute the necessary documentation to give effect to this resolution.

REPORT

BACKGROUND

The owner of 51 Kalang Road, Elanora Heights (the applicant) proposes to demolish the existing dwellings and construct a new shop-top housing development at 51 Kalang Road, Elanora Heights (Lot 2 DP 528120). The applicant was granted a deferred Development Consent DA2021/1426 on 1 June 2022.

The natural fall of 51 Kalang Road, Elanora Heights is towards the rear of the site, therefore, the deferred Development Consent condition requires the applicant to obtain an easement to adequately deal with the stormwater overflow generated from the proposed development.

As a result, the applicant has applied to Council to obtain an Easement to Drain Water through the adjoining Public Carpark and Reserve (Allington Reserve) (Lot 2 DP 513295) for the installation of an underground stormwater drainage pipe for connection to Council's stormwater drainage pit.

The proposed easement is 1 metre wide and approximately 19 metres in length and is illustrated in the Draft Easement Plan (Attachment 1) attached to this report.

Council's Water Management for Development Policy recommends obtaining a drainage easement over the downstream property to Council's drainage infrastructure as an option to deal with stormwater disposal.

Section 46 (1) (a1) of the *Local Government Act 1993* specifically allows for such easements over Community Land and Council has granted similar easements over other Council reserves in the past. The proposed easement will require that the stormwater drainage pipe be placed under the surface of the ground. Therefore, the drainage pipe will have minimal impact on the use of the reserve after installation.

Rectification of Council's reserve and car park following installation of the proposed stormwater drainage pipe will be the responsibility of the applicant. The applicant will be required to submit an appropriate bond, prior to the commencement of construction, for works within the Council reserve. Ongoing maintenance obligations for the underground pipe by the owner of 51 Kalang Road, Elanora Heights will be registered in a Positive Covenant over 51 Kalang Road, Elanora Heights as a condition of granting the proposed easement.

CONSULTATION

The application for easement was publicly notified for a period of 28 days in accordance with Section 47 of the *Local Government Act 1993* which included a public notice on Council's website, notice letters to surrounding property owners and notice sign at Allington Reserve seeking public submissions. The submission period commenced on 18 November 2022 and concluded on 18 December 2022. One submission was received which supported the proposal and no objections to the proposed easement were received by Council during the notification period.

A Summary Report of Public Notification which includes the submission received is included in this report as Attachment 2.

TIMING

The creation of the easement to drain water over Allington Reserve, Elanora Heights is expected to be completed within the next 12 months of the applicant satisfying the deferred commencement Development Consent conditions.

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 applicant will be required to pay Council an amount of compensation for the proposed easement in accordance with independent qualified valuation advice received by Council. All other associated costs in relation to the proposed easement will be borne by the applicant.

SOCIAL CONSIDERATIONS

There will be minimal impact to the Community as the stormwater drainage pipe will be installed under the surface of the ground and the area re-instated after installation. There will be a short-term disruption for the duration of the proposed construction of the stormwater drainage pipes, however, this is unavoidable to complete any installation.

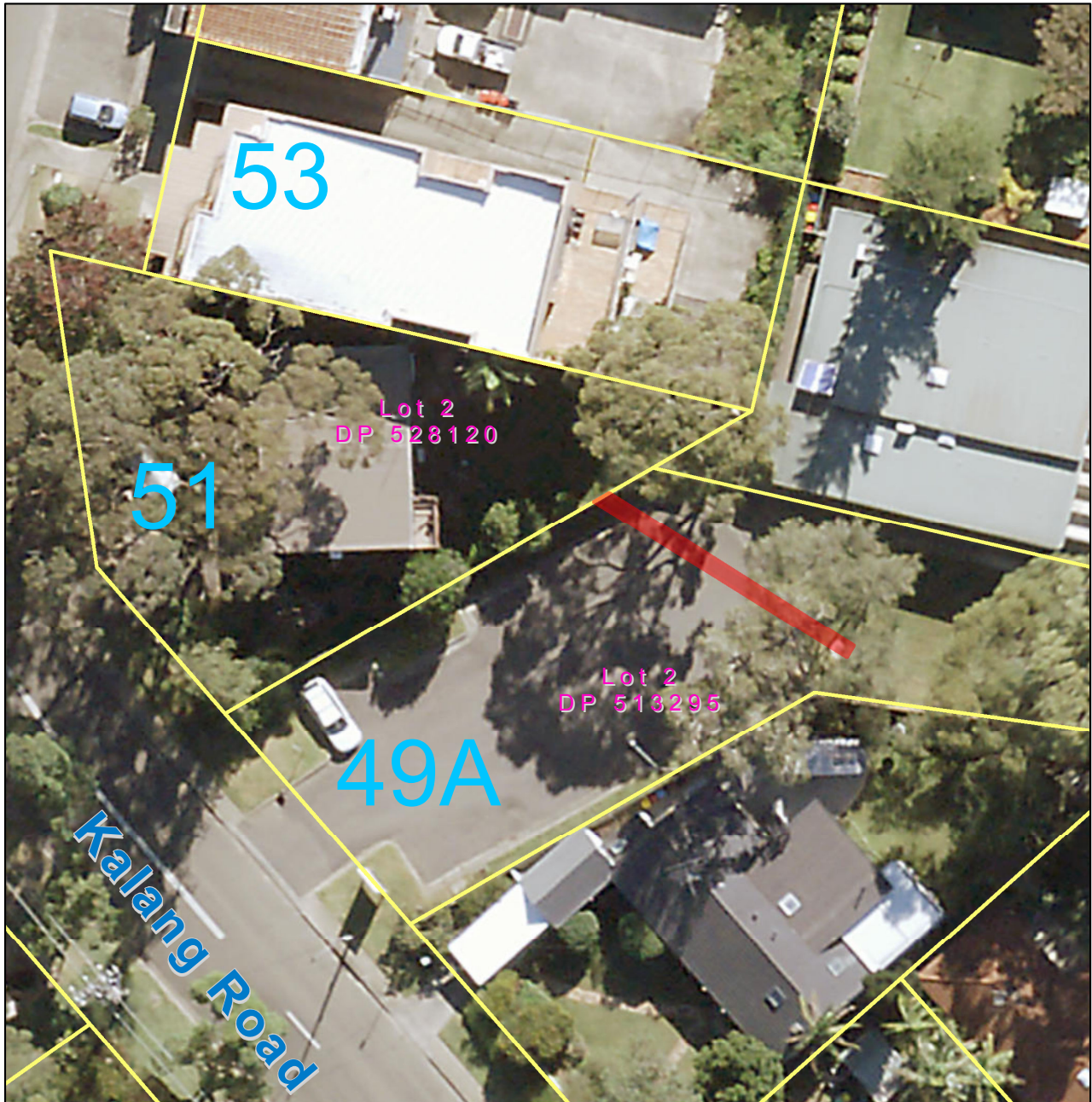
ENVIRONMENTAL CONSIDERATIONS

Rectification of Allington Reserve after construction and ongoing maintenance of the proposed underground drainage pipe will be undertaken by the owner of 51 Kalang Road, Elanora Heights. The majority of the works required are in the rear of the car park with only a small portion of the works occurring in the grassed area of the reserve.

GOVERNANCE AND RISK CONSIDERATIONS

If the proposed easement is not granted, the applicant may seek an order for the proposed easement from the Supreme Court in accordance with Section 88K of the *Conveyancing Act 1919*.

**Proposed Easement - Drainage (Stormwater)
Over Allington Reserve Lot 2 DP 513295
Benefitting 51 Kalang Road, Elanora Heights NSW 2101**



Legend

- Proposed Easement Area
- Land Parcel Boundary





Summary Report of Public Notification

Project name	Proposed easement over Allington Reserve, Elanora Heights
Your Say notification period	Friday 18 November 2022 to Sunday 18 December 2022
Background	<p>We proposed to grant an easement over Council's Community Land known as Allington Reserve (Lot 2 DP 513295) to Lightning Property Developments Pty Ltd, the owner of 51 Kalang Road, Elanora Heights.</p> <p>The purpose of the proposed easement is for the drainage of stormwater. If granted, the easement will be permanent.</p> <p>The granting of the easement is subject to Council approval and payment of a compensation fee in accordance with Council's Fees and Charges.</p> <p>This notice of the proposed easement is given in accordance with Section 47 of the Local Government Act 1993.</p>
Total number of submissions	One (1)
Summary of findings	We received one submission supporting the proposed easement (see the Findings section below). Council staff will recommend granting the easement as notified.
Engagement approach	<p>The engagement was planned, implemented and reported in accordance with the Northern Beaches Council Community Engagement Matrix (2017).</p> <p>A project page¹ was established on our Have Your Say platform and included project information and the road reserve closure area plan.</p> <p>The project was primarily promoted through resident letter notifications, Council's E-News and our Have Your Say community engagement newsletter.</p> <p>Feedback was captured through an online submission form embedded onto the project page. An open-field comments box provided community members a space to share their comments. Email and written submissions were also invited. Contact details were provided should people have questions.</p>

¹ <https://yoursay.northernbeaches.nsw.gov.au/proposed-easement-allington-reserve-elanora-heights>

How we engaged	
Properties notified by letter	Seven letters
Authorities notified by email	N/A
Visitors to Your Say page	339 visits
Have Your Say newsletter	Two editions (newsletter distribution approx. 22,000)
Council's E-News	One edition (newsletter distribution approx. 160,000)
Signage installed	One (1)

Findings	
Verbatim submission*	Council Response
Just do it, who cares.	Noted

**Personal details have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.*

Document administration	
Version	1.0
Date	16 January 2023
Approval	Content provided and approved by Property Commercial & Tourist Assets Team
Status	Final
Notes	Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.

ITEM 13.4	RESPONSE TO NOTICE OF MOTION NO 10/2023 - WARRINGAH AQUATIC CENTRE ADULT SWIM CLASSES
REPORTING MANAGER	EXECUTIVE MANAGER RECREATION BUSINESS
TRIM FILE REF	2023/269894
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To provide the information requested by Council at its Ordinary Meeting on 28 March 2023 in relation to Notice of Motion 10/2023 – Warringah Aquatic Centre Adult Swim Classes.

EXECUTIVE SUMMARY

The Warringah Aquatic Centre (WAC) Swim Fit program is a popular adult squad program that has been successfully operating for more than 10 years. The program was recently cancelled due to the difficulty in obtaining a qualified coach able to support the participants at the level required.

An interim arrangement has been established with the participants where they are able to use the same swimming lanes at the same time of the Swim Fit program to maintain the group and the community connections until a suitable swim coach can be sourced.

In the interim, the WAC readvertised the position as a Casual Swim Fit Coach until a permanent Coach can be sourced so that the program can recommence as soon as possible. The Casual Coach or Coaches may be able to share the days and classes until a permanent coach is sourced. It is anticipated that this flexibility will allow the position to be filled in the interim and the program may recommence.

A comparison of the hourly pay rate was performed across both the private and public sector and the hourly rate paid by the WAC was found to be very competitive within the aquatic industry. Recently employed fulltime program staff at WAC have been booked into a Swim Coaches course in May 2023 to obtain their qualifications with a view for them to cover any leave requirements from the successful candidate.

It is envisaged that the program will be able to recommence in late May or early June 2023.

The WAC will continue to work with and maintain open communication with all participants of the program whilst we transition to a new swim coach so that Council gets the best outcome for the community.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council note the report.

REPORT

BACKGROUND

At its Ordinary Meeting on 28 March 2023, Council resolved

“That:

1. *An options report be prepared and presented to the May 2023 Council meeting that outlines options available to Council to re-establish the Swim Fit squads with a suitable staff member or temporary hire to run the squads until such time that the Warringah Aquatic Centre can find suitable and more permanent coaching replacements. The options report is to include consideration of the following matters:*
 - A. *Options available to offer an attractive remuneration in line with the Local Government (State) Award for a suitably qualified candidate.*
 - B. *Options to explore all available avenues, including commercial organisations, to identify a longer-term coaching solution.*
 - C. *Options available for Council to run the squads with other staff when the regular coach is sick or unavailable.*
2. *Council, when conducting future expressions of interest/ tender for swimming squads with Warringah pool and other pools, includes both children and adult swim squads.”*

This report outlines the information requested above.

Swim fit classes are a coach-led advanced adult swimming program to maintain fitness as well as developing swim strokes. This program has been successfully operating at the WAC for many years and was also successfully introduced at Manly Aquatic Centre due to the ongoing success of the Warringah program.

With the departure of the long-term Coach at the WAC the facility immediately commenced an employment drive to find a suitable qualified coach who is at the standard required for this high performing group. Replacing this position with somebody who has the capabilities to provide high level coaching has proven extremely difficult. The facility has searched externally, internally, across both facilities and approached third party providers in an effort to fill this role. Despite this, no qualified candidates emerged and the facility has no option other than to cancel this program for the time being until a suitable candidate could be found.

A meeting was held with a large group of the participants on 17 March 2023, offering them the opportunity to join the Manly Aquatic Centre program or to continue to swim in the same group with no direct coaching at WAC until the program can be continued. This has been well supported with a large group of previous participants swimming most days since the interim program arrangement was put in place commencing on 21 March 2023. Feedback from the participants has been positive and the program will continue under this format until a permanent coach can be sourced.

A number of options have been considered in attracting a suitable staff member to recommence the Swim Fit program as follows:

1. Options available to offer an attractive remuneration in line with the Local Government (State) Award.

The Swim Fit Coach position is currently paid as a permanent part time employee between a range of \$27.94 to \$32.47 dependent on experience and qualifications. Given the experience required for this specific position, offering the highest available rate would be very attractive and competitive within the aquatic industry.

An interim option would be to offer casual employment and employing one or two candidates who could cover one or both of the available classes until a permanent Coach can be found.

This may assist in attracting experienced coaches who have availability for one of the classes only or have availability for some of the days. This would allow the program to be covered by a number of staff enabling the program to recommence in some form as soon as possible.

The following table outlines a comparison of the hourly rate range for Swim Coach positions at both local government operated facilities, private schools and private operators. From the table below, the Swim Fit coaches remuneration at WAC is competitively placed within the market.

Venue	Permanent Hourly rate range. (Dependent on experience and qualifications.)	Casual Hourly rate range (Dependent on experience and qualifications.)
Northern Beaches Council – WAC & MABC	\$27.94 – \$32.47	\$34.92 - \$40.59
Penrith Council	\$27.74 - \$32.11	\$34.67 - \$40.13
Inner West Council (5 aquatic sites)	\$28.07 - \$36.01	\$35.05 - \$45.01
MLC Burwood	\$26.00 - \$29.20	\$32.50 - \$36.50
Belgravia Leisure Group (14 aquatic sites in NSW)	\$21.38 - \$23.52	\$26.73 - \$29.40
Local private operator	\$24.00 - \$27.20	\$30.00 - \$34.00

- Options to explore all avenues, including commercial organisations, to identify a longer-term coaching solution.

A number of commercial organisations were also approached to take on the coaching role or provide a staff member. These organisations have advised that they too have found it difficult to obtain coaching staff with many shortages within their companies and the industry as a whole. A proportion of their coaching staff are people with fulltime or part time employment elsewhere wanting second incomes or university students who perform their coaching roles before and after their fulltime work or study commitments. Due to the mid-morning and midday operating hours of the Swim Fit program this has ruled out this segment of available staff. The remaining coaching staff are already employed fulltime or permanent part time by these organisations and do not have the availability to perform this role due to the hour demands of their substantive roles.

- Options available to Council to run the squads with other staff when regular coach is sick or unavailable.

WAC staff have previously covered the regular coach when on leave or sick. Unfortunately, the backup staff has also recently resigned to take up other opportunities within the industry. Staff recently employed to fill these positions have been booked into the relevant training programs in May 2023 to obtain their qualifications to cover for sick leave and annual leave.

4. Council, when conducting future expressions of interest/tenders for swimming squads include both children and adult swim squads.

Previously the adult squads have not been included in the tender process due to the popularity of the Coach and success of the program. Future tenders will include the opportunity for the successful tenderer to provide an adult squad program or provide a Swim Fit coach at market rates to Council to cover whilst a new coach is sourced.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed.

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

Health and fitness play a vital part in the physical well-being of the Northern Beaches community and also the social fabric of the community.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations.

GOVERNANCE AND RISK CONSIDERATIONS

There are no risk considerations.

ITEM 13.5	RESPONSE TO NOTICE OF MOTION NO 2/2022 - ACKNOWLEDGEMENT OF COMMUNITY SERVICE TO THE PEOPLE OF THE NORTHERN BEACHES
REPORTING MANAGER	EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2023/272031
ATTACHMENTS	NIL

BRIEF REPORT

PURPOSE

To provide an update for Notice of Motion No 2/2022 - Acknowledgement of Community Service to the People of the Northern Beaches in response to Item 3, providing the recommendation and outlining the costings for the above.

REPORT

At the Council meeting held 22 February 2022 consideration was given to the Notice of Motion No 2/2022 - Acknowledgement of Community Service to the People of the Northern Beaches. Council resolved (Resolution 033/22):

That Council:

- 1. Prepare a report identifying existing or new structures or locations to be named in honour of Manly resident Ray Mathieson, in appreciation of his years of service and contributions to the Northern Beaches community.*
- 2. Report back in a confidential briefing within two months.*
- 3. Report back to Council with recommendations, outlining any costings for the above, within four months.*

In response to this resolution, Council staff have consulted with the Manly Community Forum and the family of the late Mr Mathieson on what an appropriate recognition would be. Following this consultation, it has been agreed with both parties to install a picnic shelter, table and plaque at Little Manly Reserve in honour of Mr Mathieson's contributions to our community.

The Greater Manly Community Forum would like to fund the picnic table, concrete slab and a plaque. The picnic shelter would be funded from Council's Little Manly Masterplan Implementation budget.

It is planned for these works to be undertaken in 2023, as part of the next stage of the Little Manly Reserve upgrade project and no additional budget is required.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

Community and belonging - Goal 9 Our community is inclusive and connected

FINANCIAL CONSIDERATIONS

Included in the existing budget: \$105,000 has been provided in the 2022-23 budget under the Little Manly Beach Masterplan for implementation of the remaining reserve upgrades which includes the

installation of the picnic shelter and associated infrastructure will cost approximately \$15,000. The Greater Manly Community Forum have agreed to fund the picnic table, concrete slab and plaque

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts; the proposed shelter and table are consistent with the adopted Masterplan and Plan of Management previously considered by Council.

SOCIAL CONSIDERATIONS

The installation will serve to commemorate the significant contribution made by Mr Mathieson and is supported by the Manly Community Forum and Mr Mathieson's family.

GOVERNANCE AND RISK CONSIDERATIONS

There are no governance or risk concerns.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council note the report.

ITEM 13.6	PROPOSED ROAD RESERVE CLOSURE AND SALE OF COUNCIL LAND ADJOINING 107 CLONTARF STREET, SEAFORTH
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2022/578937
ATTACHMENTS	1 Road Reserve Closure Plan - 107 Clontarf Street, Seaforth 2 Summary Report of Public Notification - Proposed Road Reserve Closure

SUMMARY

PURPOSE

To consider a proposal to close and sell a portion of road reserve adjacent to 107 Clontarf Street, Seaforth, to the adjoining owners.

EXECUTIVE SUMMARY

The owners of 107 Clontarf Street, Seaforth (the applicants) have applied to Council as follows:

- that Council close a section of road reserve adjacent to the applicants' property in accordance with section 38A of the *Roads Act 1993*; and
- to subsequently purchase the relevant land from Council.

The application has been made to enable the purchase, subdivision and consolidation of the subject portion of road reserve into 107 Clontarf Street, Seaforth (Lot 1 DP 119074), following a Land and Environment Court judgement. The litigation was commenced following the discovery that, due to a mapping error, a garage built in accordance with a development consent granted by Council in respect of 107 Clontarf Street, Seaforth had been partially built on Council's road reserve without owner's consent from Council. The Court judgment found that demolition of the encroaching garage structure was not warranted and the Court did not set aside the development consent. The sale and consolidation of the portion of road reserve adjacent to the applicant's property is proposed to regularise the encroachment of the garage on Council's land.

The subject portion of the road reserve adjacent to 107 Clontarf Street, Seaforth has an area of approximately 75.6sqm. The location of the subject land is shown in Attachment 1 of this report (which is entitled 'Proposed Road Reserve Closure Plan adjacent to 107 Clontarf Street, Seaforth NSW 2092').

During the public notification period for this matter, Council received some objections to the proposed closure and subsequent sale of land as well as a number of submissions in support of the proposed road reserve closure. A key theme of the objections was the loss of public amenity. However it is noted that the land on which the garage is located is not ordinarily accessed by the public and that the Court judgment found that demolition of the garage is not warranted and the Court declined to declare the consent invalid.

Council's officers consider that the subject land is surplus to Council's requirements and it is considered appropriate for the relevant part of the road to be closed and subsequently sold.

In accordance with the *Roads Act 1993*, the proceeds from the sale of road reserves will be utilised for road related outcomes such as ongoing road maintenance and high priority road asset improvements.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Note that it has considered all submissions in respect of the proposed closure of a portion of road identified in Attachment 1 of this report, being part Clontarf Street, Seaforth adjacent to 107 Clontarf Street, Seaforth (Subject Land).
 2. Close the Subject Land as a public road under the provisions of the *Roads Act 1993* and take the necessary steps to implement the closure.
 3. Subject to the closure of the Subject Land as a public road, authorise disposal of the Subject Land to the registered proprietors of 107 Clontarf Street, Seaforth (Applicants) for an amount specified in a formal valuation undertaken by an independent qualified valuer and conditional upon the Subject Land being subdivided from the road reserve and consolidated with the adjoining land at 107 Clontarf Street, Seaforth.
 4. Require all costs associated with the proposal referred to in this resolution, including but not limited to Council's valuation costs, legal costs and GST if applicable, be paid for by the Applicants.
 5. Delegate authority to the Chief Executive Officer to do all things necessary and execute the necessary documentation in order to give effect to this resolution.
-

REPORT

BACKGROUND

General

The owners of 107 Clontarf Street, Seaforth (the applicants) have applied to Council as follows:

- That Council formally close a section of road reserve adjoining the frontage of 107 Clontarf Street, Seaforth which is comprised in Lot 1 DP 119074 (Subject Land) in accordance with the *Roads Act 1993*.
- That Council sell the Subject Land to the applicants.

The Subject Land is approximately 75.6sqm (12.19m by 6.2m) and is shown in Attachment 1 of this report. The area of the road reserve proposed to be sold is on the eastern boundary of the applicants' property known as 107 Clontarf Street (Lot 1 DP 119074). The purpose of the proposed road reserve closure is to allow the applicants to purchase the road reserve land to incorporate with their adjoining property so as to regularise the garage built partly on the road reserve so that it will eventually be located wholly on the applicants land. When the road reserve is closed, there will still be approximately 4 metres of road reserve from the eastern boundary of the Subject Land to the edge of the kerb.

Development Consent DA 359/2016 was granted by Council on 9 May 2017 for alterations and additions to the existing dwelling including the construction of a new detached garage with roof terrace and associated landscaping. The garage was erected in accordance with the approved plans. At the time of approval, Council was unaware that the works encroached onto public land, being public road vested in Council for which it is the roads authority, and as such no owner's consent for the works on Council land was given.

The Council land on which the garage was partially constructed was dedicated between late-1956 and mid-1957 for the purposes of widening Clontarf Street. The dedication was not shown on the NSW Government's Six Maps website at any relevant time, land information held by Council at the time of the assessment of the development application in 2017 nor the survey plan submitted with the DA. As such, the records held by Council and the documentation submitted by the applicant did not show that this was public land.

Subsequently, the validity of the consent was challenged by a neighbouring owner in the Land and Environment Court. The Court ultimately found that although there was a breach of the *Environmental Planning and Assessment Act 1979*, demolition of the encroaching garage structure was not warranted and the development consent was not set aside (see *Lu v Walding (No 2)* [2021] NSWLEC 21).

The road reserve is zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013, which is consistent with the adjacent land.

Provisions of *Roads Act 1993*

Section 38A of the *Roads Act 1993* provides:

"38A When council may close council public road

A council may propose the closure of a council public road for which it is the roads authority if—

(a) the road is not reasonably required as a road for public use (whether for present or future needs), and

(b) the road is not required to provide continuity for an existing road network, and

(c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.”

Section 38B provides for the notification of a proposal to close council public road.

Section 38C relevantly provides:

“38C Public submissions and formal objections

(1) Any person may make submissions to the council with respect to the closing of the road in the manner and within the period specified in the notice published under section 38B.

(2) Without limiting subsection (1), a notifiable authority in relation to the road may include a statement in the authority’s submission to the effect that the authority formally objects to the closing of the road. The authority may withdraw the objection any time by written notice given to the council.

Note—

If a formal objection is made, section 38D (2) provides that the road may not be closed until the objection is withdrawn by the authority or set aside by the Land and Environment Court under this section.

...”

Section 38D relevantly provides that after considering any submissions that have been duly made with respect to the proposal, the council may, by notice published in the Gazette, close the public road concerned.

Section 38E(1) relevantly provides that on publication of the notice closing the council public road concerned the road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. The land comprising a former road in the case of a public road that was previously vested in a council ordinarily remains vested in the council.

Section 43 of the Roads Act 1993 provides:

“43 Disposal of land comprising former public road owned by council

(1) This section applies to land vested in a council and forming part of a former public road.

(2) Land to which this section applies is operational land for the purposes of the Local Government Act 1993 unless, before the land becomes vested in the council, the council resolves that it is to be community land, in which case the land is community land.

(3) If the land is disposed of by sale, the proceeds of sale (less the costs of the sale) are to be paid to the council.

(4) Money received by a council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads.”

Further comments

In the circumstances, it is considered that the requirements of the *Roads Act 1993* (including section 38A) are satisfied such that it is open to Council to close the Subject Land as a public road and subsequently sell this land to the applicants. If this is approved, Council should require that the Subject Land be consolidated with the adjoining land owned by the applicants upon sale.

It should be noted that property owners located at 103, 105, 109, 111 and 113 Clontarf Road may also apply to Council to close the surplus road reserve in front of these properties.

CONSULTATION

Council has undertaken statutory notification of the road reserve closure proposal in accordance with the *Roads Act 1993*. This included a notice on Council's webpage and letters to adjoining/nearby property owners and notifiable service authorities.

Internal stakeholder consultation was undertaken, which sought comments from relevant Council Teams including Transport & Civil Infrastructure Assets, Transport Network, Bushland Biodiversity, Strategic & Place Planning, Tree Services, Parks & Recreation, Development Engineers, Stormwater & Flood Plain Engineering and Property.

The public notification period occurred for 32 days and Council is required to consider and address all submissions received from neighbouring owners and various authorities. The public notice period commenced on 9 September 2022 and concluded on 10 October 2022. Among other things, 23 authorities were notified and the proposal was notified by letter to 15 adjoining and neighbouring properties. A notice on Council's webpage notified the greater Northern Beaches community.

During the public notification period of this proposal, Council received 22 submissions in total with 6 of these submissions being objections to the proposed road closure. No objections were received from the 23 authorities notified. The details of the submissions are attached to this report in Attachment 2.

In addition, on 9 September 2022, Transport for NSW (Bus Approval) confirmed that they did not object to the proposed road reserve closure.

The submissions by theme are listed below along with Council's response:

Theme	What we heard	Council's response
Loss of access to public land	Council should not sell the land as it belongs to everyone.	If the road reserve is closed, there will still be approximately four (4) metres of road reserve (to the edge of the kerb) for public use.
Compensation for sale of land	If Council is to sell the land, then it needs to make sure it does not sell it for a bargain.	Council's Transport & Civil Infrastructure Assets Team has assessed the application and deemed the area as surplus to requirements. Staff have arranged for a market valuation of the land by an independent qualified valuer. Any sale would be for the market value of the land.
Illegal works and precedent being set	The garage has been illegally built and should be demolished. The sale of this land will set a precedent for anyone to build on public land and get away with it.	On 9 May 2017, Council granted Development Consent DA 359/2016 (the Consent) for alterations and additions to the existing dwelling including the construction of a new detached garage with roof terrace and associated landscaping at 107 Clontarf Street. The garage was subsequently erected in accordance with the approved plans, and this involved the carrying out of works within the public road reserve adjacent to 107 Clontarf Street. Council was not aware that the approved works encroached onto public land at the time that the

		<p>Consent was granted and as such no owner's consent was given by Council in this regard.</p> <p>The validity of the Consent was subsequently challenged in the Land and Environment Court. The Court ultimately found that although there was a breach of the <i>Environmental Planning and Assessment Act 1979</i>, it did not consider that demolition of the encroaching garage structure was warranted and it did not set aside the Consent (see <i>Lu v Walding (No 2)</i> [2021] NSWLEC 21).</p> <p>The Court stated at [265] that "<i>the circumstances of this case are unfortunate</i>" and at [267] that "[i]n relation to the ... submission that the [owners] obtained a private advantage, their doing so was unintentional... The gaining of private advantage by the [owners] was certainly not deliberate... This submission has limited relevance in the peculiar circumstances here."</p>
Other opportunities for road reserve closure	Road reserve closures should be made available to other properties, not just those at 103, 105, 107, 109, 111 and 113 Clontarf Street. They should be allowed to apply to close a portion of the road reserve adjacent to their properties.	The area in question is unique in that it was set aside for a particular purpose that is no longer required. A resident wishing to apply for closure and sale of a road reserve should visit Council's website and download the Road Reserve Closure Application Form and the Purchase of Council Land Application Form. Prior to applying it may be appropriate to contact the Transport Civil and Infrastructure Assets Team on 1300 434 434 to determine whether the road reserve is potentially surplus to Council needs.
Support of Application	The land is not useable to other ratepayers and Council can use the funds from the sale of this land to improve other infrastructure.	<p>Council will be able to enter a Contract for Sale of Land with the owner of 107 Clontarf Street if the road reserve closure is successful.</p> <p>Any funds obtained through the sale of the road reserve will revert to Council. Money received by Council from the proceeds of sale of the land is not to be used except for acquiring land for public roads or for carrying out road work on public roads.</p>

Assessment by Council's Transport & Civil Infrastructure Assets Team

Council's Transport & Civil Infrastructure Assets Team have assessed that the subject area of road reserve will not be required for future public use and has no objections to the road closure and sale.

Council staff have reviewed and considered the submissions received and have noted the concerns raised about the disposal of public land, however, it is considered that the proposed closure does not have a material impact on the use of the road reserve. It is considered that the

submissions/objections to the proposed road closure do not raise issues that would prevent the closure and sale of the road reserve.

TIMING

If approved, the proposed road reserve closure and sale of land is expected to be completed within the next 24 months.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community
- Good Governance - Goal 19(c) - Ensure the long-term financial sustainability of Council through strategic management of assets
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community

FINANCIAL CONSIDERATIONS

Proposed Sale of Land

If the closure of the road reserve is approved and implemented, Council would proceed to sell the subject land at a price in accordance with the independent qualified valuation advice.

The applicants have requested an extended settlement on the purchase. The proposed sale terms will include a two-year settlement or upon completed exchange of contracts of sale on the applicant's adjoining property (whichever occurs earlier).

Use of funds from road closure and sale

Section 43(4) of the *Roads Act 1993* provides that, money received by a council from the proceeds of the sale of land is not to be used for Council except for acquiring land for public roads or for carrying out road work on public roads.

Such road works may include pavement strengthening, retaining structures, footpaths, or streetscape improvements.

If the sale of the Subject Land is approved, sale proceeds will provide funds for continued maintenance and improvement of road infrastructure and footpaths in the local area and to fund high priority core road asset improvements that can significantly improve safety and amenity for the community.

SOCIAL CONSIDERATIONS

The sale of non-core road reserve land assets provides funding for higher priority road outcomes, in particular footpath construction. This helps to accelerate the provision of additional high priority pedestrian linkages to connect communities and improve safety and amenity.

ENVIRONMENTAL CONSIDERATIONS

The sale of these portions of road reserve will allow the respective landowners to provide off-street parking contributing to safer pedestrian and vehicular access along Clontarf Street.

GOVERNANCE AND RISK CONSIDERATIONS

In accordance with section 38F of the *Roads Act 1993*, an owner of land adjoining the subject road reserve, a notifiable authority or any other person prescribed by the regulations may appeal to the Land and Environment Court against the closure of a council public road by Council.

If the proposed road closure and sale is approved the consolidation of the smaller parcel into the larger site will be a requirement upon settlement.

Proposed Road Reserve Closure Plan

Adjacent to 107 Clontarf Street, Seaforth NSW 2092



Legend

- Proposed Road Reserve Closure
- Land Parcel Boundary



northern
beaches
council

Document Path: G:\GIS\ArcMap\Docs\Property\RoadClosure_107ClontarfSt_Seaforth.mxd

Scale (A4) - 1:300
GDA 94 MGA Zone 56



Date Printed: 8/08/2022
Produced By: Spatial Information

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Summary Report of Public Notification

Project name	Proposed Road Reserve Closure adjacent to 107 Clontarf Street, Seaforth
Your Say notification period	9 September to 10 October 2022
Background	<p>We gave public notice of our intention to consider an application for the formal closure of a portion of public road reserve land in front of 107 Clontarf Street, Seaforth.</p> <p>The public notice of the proposed road reserve closure was in accordance with Section 38B of the Roads Act 1993.</p> <p>The proposed area of the road reserve closure is approximately 75.6sqm (12.19m by 6.2m).</p> <p>The purpose of the closure is to enable the sale of the subject land to the adjoining owner at 107 Clontarf Street (Lot 1 DP 119074). This will resolve ownership of the road reserve land upon which part of a garage is constructed.</p>
Total number of submissions	22 submissions (19 online + 3 emailed submissions)
Summary of findings	<p>The feedback collected during the consultation from residents and government authorities indicated a high level of support for the proposed road reserve closure adjacent to 107 Clontarf Street, Seaforth with 13 submissions supportive.</p> <p>Some respondents who were supportive of the proposal agreed that it would assist to resolve the ownership of the land, in light of the related Land and Environment Court judgement that did not require the demolition of the garage. Others indicated that the funds received by Council from the sale of the land could be injected into much needed infrastructure.</p> <p>Some respondents who were not supportive of the proposal felt that the sale of this land could set a precedent for illegal works to occur on public land. Others generally felt that public land should be retained for the enjoyment of the wider community.</p>

	There were a total of 7 submissions that were not supportive and another 2 were neither directly supportive or against the proposal.
Engagement approach	<p>The engagement was planned, implemented and reported in accordance with the Northern Beaches Council Community Engagement Matrix (2017).</p> <p>A project page¹ was established on our Have Your Say platform and included project information and the road reserve closure area plan.</p> <p>The project was primarily promoted through onsite signage, resident letter notifications, Council's E-News and our Have Your Say community engagement newsletter.</p> <p>Feedback was captured through an online submission form embedded onto the project page. An open-field comments box provided community members a space to share their comments. Email and written submissions were also invited. Contact details were provided should people have questions.</p>

How we engaged	
Properties notified by letter	15 letters
Authorities notified by email	23 authorities
Signage installed onsite	1 sign
Visitors to Your Say page	1183
Have Your Say newsletter	2 editions (newsletter distribution approx. 20,000)
Council's E-News	1 edition (newsletter distribution approx. 160,000)

¹ <https://yoursay.northernbeaches.nsw.gov.au/road-reserve-closure-adj-107-clontarf-street-seaforth>

Findings		
Theme	What we heard	Council Response
Loss of access to public land	Council should not sell the land as it belongs to everyone.	This road reserve is not currently being used by local residents. When the road reserve is closed, there will still be approximately four (4) metres from the front of the garage to the edge of the kerb for public use
Compensation for sale of land	If Council is to sell the land, then it needs to make sure it does not sell it for a bargain.	Council's Asset Owner has assessed the application and deemed the area as surplus. Staff will arrange for a valuation of the land by an independent qualified valuer. The valuer will take into consideration the added benefit this road reserve land will provide to the adjacent property owner/applicant.
Illegal works and precedent being set	<p>The garage has been illegally built and should be demolished.</p> <p>The sale of this land will set a precedent for anyone to build on public land and get away with it.</p>	<p>On 9 May 2017, Council granted Development Consent DA 359/2016 (the Consent) for additions and alterations to the existing dwelling including the construction of a new detached garage with roof terrace and associated landscaping at 107 Clontarf Street.</p> <p>The garage was subsequently erected in accordance with the approved plans, and this involved the carrying out of works within the public road reserve adjacent to 107 Clontarf Street. Council was not aware that the approved works encroached onto public land at the time that the Consent was granted and as such no owner's consent was given by Council in this regard.</p> <p>The validity of the Consent was subsequently challenged in the Land and Environment Court. The Court ultimately found that although there was a breach of the <i>Environmental Planning and Assessment Act 1979</i>, the Court did not find that demolition of the encroaching garage structure was warranted and did not set aside the Consent (in <i>Lu v Walding (No 2)</i> [2021] NSWLEC 21).</p>

Other opportunities for road reserve closure	Road reserve closures should be made available to other properties, not just those at 103, 105, 107, 109, 111 and 113 Clontarf Street. They should be allowed to apply to close a portion of the road reserve adjacent to their properties.	Any resident wishing to apply for closure and sale of a road reserve, should visit Council's website and download the Road Reserve Closure Application Form and the Purchase of Council Land Application Form. Prior to applying it may be appropriate to contact the Transport Civil and Infrastructure Assets Team on 1300 434 434 to determine whether the road reserve is potentially surplus to Council needs.
Support of Application	The land is not useable to other ratepayers and Council can use the funds from the sale of this land to improve other infrastructure.	Council will be able to enter a Contract for Sale of Land with the owner of 107 Clontarf Street once the road reserve closure has been successful and title is issued to Council. Any money obtained through the sale of the road reserve will be used for the provision of infrastructure across the Council area.

Verbatim responses	
<i>*Personal details have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.</i>	
No.	Submission
1	No issue with this, the approved garage is already on the reserve so it has no other use.
2	This sets a precedent that anyone rich enough can build on rate payers land and get away with it. Please tell us what price it is getting sold for. Probably for a bargain for the land owner. xx
3	This is an unfortunate state of affairs from a reading of Lu v Walding (No2) [2021] NSWLEC 21. As a long term Seaforth resident I find it incredulous that the occupiers and Council were not aware of the road reserve. The site including lots 103 / 111 were not developed forward of the legal boundary. This was and remains obvious to any observer. With small lots and land prices it would have surely begged the question as to why there was no development on that land. Contrary to the statement of environmental effects the land was only grassed with a driveway crossing it (consistent with the rest of the road reserve). The DA 0359/2016 survey of 22/12/2016 appears negligent as it did not properly define the boundaries of the lot. The survey of 24/5/2019 was easily able to achieve this. What a colossal stuff up by the surveyor, lot owner, solicitor or conveyancer when the transfer to the current Registered Proprietors was done and Council. But what is to be done. Rectification is not possible following the decision and selling

	the land as a percentage of the current market value of Lot 107 would seem the fairest return to ratepayers. This places lot 109,111 and to a lesser extent Lot 105- (who have achieved the same outcome as the Waldings but have done it legally within the boundaries of their Lot). Clearly they were alert to the diagonal front boundary across their lot 105 when they constructed their garage. They would probably have no desire to expend funds should they have such funds. My view is that these 5 lots (including lot 107) should be free to purchase the portion of the road reserve for market value as a sq metre % if their existing Lot value - inclusive of all legal / administrative/ regulatory costs- due to Council's complicity in creating this mischief by giving consent. The position should remain either in perpetuity or for say 60 years to allow future lot owners to avail themselves of the current proposal should they wish.
4	This same issue with excessive road reserve on Clontarf Street exists elsewhere on Clontarf St including from 29-57 Clontarf St. The same should be available to other adjacent properties in Clontarf St not just 103, 105, 107, 111 and 113.
5	So let me get this straight - Someone got away with building an unappealing cinderblock garage which encroaches onto council property, is not in line with the rest of the street or the area because council 'wasn't aware' of something? Unbelievable, there's setting dangerous precedents and then there is this. Forget about it! Council need to pay these homeowners the cost of the build plus interest and then have it removed. This is completely unacceptable. Do not sell this land. We're losing too much green space as it is and letting far too many ugly buildings pop up like sore thumbs all over our beautiful suburb.
6	Hope council is valuing land to be sold on the rate of adjoining properties without any discounting for being a road reserve as the recent Woollahra Council decision in May 2022.
7	No issues with the owners adjacent being able to purchase the land. I would also like to purchase roads land of the equivalent size out the front of my nearby property on xxx xxxxx Clontarf street in accordance with Section 38A of the Road Act 1993.
8	As a local resident, I am supportive of the closure of the land in order for the residents of 107 Clontarf street to purchase said land.
9	I support this proposal of sale of Road Reserves in Clontarf St, Seaforth. As stated, the road reserve is not currently being used by local residents. I also believe the Council should sell all Road Reserves where there is no intention of widening the road. The funds from these sales can be used for much needed provision of infrastructure across the Council area.
10	This proposal should be rejected. It seems that the garage has been built illegally on Council land and should be demolished. To retrospectively try to gain consent and ownership of council owned land is deceitful and wrong. It will set a precedent to other neighboring properties to do the same thing - which judging by the aerial shot, lots 103 & 105 have already done too. A case of greed and entitlement at its best here!
11	First of all, great job NBC, what a stuff up! Whatever is done here, room should be retained for installation of a footpath. This section of clontarf st has no footpath and is an extremely dangerous section of road for walking. It is on the route of many parents taking their children to KU pre-school (4a Alto Ave). The council should really install a footpath along this section as a matter of urgency. Perhaps the sale of these parcels of land could be used to fund this much needed work. It appears there is room on the opposite side of the road, currently too slopey and muddy for pedestrians. I attach my proposed path, which extends all the way to KU, Alto ave similarly lacks a footpath.
12	As neighbours on Clontarf Street, we have no objection to the proposed public road reserve closure adjacent to 107 Clontarf St.

13	I am against this proposal. Too many property owners build on public land in the expectation that they will be able to buy the land from the council later - under favourable terms as there is no other possible buyer. This property owner MUST be forced to demolish their illegal structure.
14	Why was the garage allowed to be built on council land? Why was it not knocked down? I don't think we should reward people for breaking the law by letting them get away with things. I do not approve of this proposed road reserve closure. The land belongs to everyone not the owner of 107 Clontarf Rd, Seaforth.
15	I am always opposed to ANY public land especially in high value waterside locations to be made available to private interests that further consolidate the wealth of those already in privileged positions. I am always opposed to any public land particularly in high value waterside locations, being transferred into private hands for the purpose of consolidating the wealth of already privileged individuals. These residents do not require more land.
16	Seeing this too much, this land does not belong to the house but it is our land for the enjoyment of all. Take a drive along Veterans Parade and see how many cars are parked on the nature strip and how many home owners have taken possession of our land and no one does anything to stop it. May as well concrete it all.
17	The reserve isn't being used for anything, the garage is already built on it and I think it will improve the streetscape.
18	Support road reserve closure plan. Area of land not large and is of no use to council. It can not be used for the benefit of ratepayers. Front aspect of property improved by owners. All properties affected by the reserve should be given legal ownership of the land. Improve the visual aspect of the road with no lack of utility to the Council.
19	I am supporting this proposal. Thank you
20	I am submitting my support for the formal closure of road reserve as set out in your letter of 9 September. I agree 107 owners should have the ability to purchase that land in the future. I am the owner of xxxx Clontarf Street.
21	No Objection. XXXXXXXX xxxx xxx Clontarf Street, North Balgowlah.
22	Hi Council Sir/Madam, I received a letter about the above Notification. I am the owner of xxx Clontarf Street Seaforth. I am interested in purchasing the road reserve area in front of the property. Could you please provide information about the application process and associated costs? Best Regards, xxxx xxxx xxx xxxx xxx xxx

Document administration	
Version	1.0
Date	12 October 2022
Approval	Content provided and approved by Property Commercial & Tourist Assets Team. Responsible manager: Manager, Property Commercial & Tourist Assets
Status	Final
Notes	Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern

	Beaches Council or indicate a commitment to a particular course of action.
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15.0 NOTICES OF MOTION

ITEM 15.1	NOTICE OF MOTION NO 11/2023 - WEED CONTROL AND ECOLOGICAL RESTORATION
TRIM FILE REF	2023/230979
ATTACHMENTS	NIL

Submitted by: Councillor Miranda Korzy

MOTION

That Council:

1. Note the massive ecological and economic cost associated with the proliferation of weed species in the Northern Beaches Local Government Area.
2. Reaffirm the importance of community awareness of weed species with regards to:
 - A. Curbing proliferation of weeds in residential garden settings;
 - B. Encouraging community participation in bushcare and citizen science;
 - C. Maintaining community support for council-funded ecological restoration measures.
3. Develop an accessible, engaging and comprehensive website detailing all local priority weeds.
4. Develop a public information campaign and regular community workshops, to increase community awareness of local priority weeds, their impact, means of control, and opportunities for involvement with volunteer bushcare activities.
5. Acknowledge the weed potential of some native plant species and, as a high priority, commit to cease planting them and to their control.
6. Staff provide a report within four months outlining:
 - A. Opportunities for engaging more bushcare volunteers, especially young people, and particularly high school students, to increase the volunteer base and enable transfer of important local knowledge from older and more experienced volunteers;
 - B. Any current activities aimed at preventing the sale of weed species by plant nurseries and at community markets;
 - C. Strategies employed by other councils to prevent the sale of weed species by plant nurseries and at community markets;
 - D. Recommendations for ways council could discourage the sale of weeds species by local plant nurseries and community markets.

BACKGROUND FROM COUNCILLOR MIRANDA KORZY

Proliferation of weeds in the Northern Beaches Council area carries significant ecological and economic costs. Council research indicates that residents rate the environment as their highest priority, and yet many of our bushland sites and sand dunes are overrun with weeds, including locations where volunteers have spent thousands of hours clearing them and regenerating endemic plants. In fact, ecological restoration on the Northern Beaches is far from “maintenance

level”, with bushcare experts reporting that weed control has gone backwards in some areas during La Nina, Covid and since the creation of NBC. As a result, we have lost volunteers who are dispirited when they see sites they have regenerated degraded once again.

Council is projected to spend more than \$5 million dollars in 2022/23 on bush regeneration (on top of 6,000+ volunteer hours), however, we must do more if we are to make this work worthwhile and to augment bush regenerators’ efforts.

Proliferation of weeds in private gardens throughout the Northern Beaches is also a significant issue, both in its own right and because it often results in spread to council-managed areas. As acknowledged in the NBC Local Priority Weeds Management Plan 2021-26, many weeds/invasive plant species are still sold to, cultivated by and/or ignored by residents. Highly invasive weeds such as Prickly Pear (*Opuntia stricta*), Fishbone Fern (*Nephrolepis exaltata*) and Mickey Mouse Plant (*Ochna serrulata*) remain frequently grown by local residents and businesses.

The Management Plan identifies constraints relating to effective weed management, the first of which is: “lack of knowledge about the local priority weeds”. Community awareness initiatives could be developed to better encourage control of weeds by private landowners. The council website currently features weed profiles on a mere seven species, each of which show only one low-resolution picture and some accompanying information. In the digital age, better information for residents on this issue could easily be provided. Council should invest in an easily navigable, engaging website which features weed profiles for all “Local Priority Weeds”.

Council should also begin a public communications campaign focusing on awareness of local priority weeds, for example on social media or mailing out brochures or fridge magnets identifying the highest priority species. Alongside hands-on workshops for interested residents (which were run, for example, by Pittwater Council), a better level of public awareness may improve weed control across the LGA.

A variety of native plant species also have invasive potential and are creating major issues in local ecosystems whilst requiring council funding to control. These include, in particular, species native to NSW but not locally indigenous or endemic and species that are indigenous to the Northern Beaches but which become problematic in disturbed ecosystems (mainly vines). This includes, but is not limited to:

- *Casuarina glauca* - Swamp Oak
- *Cissus antarctica* - Kangaroo Vine
- *Cissus hypoglauca* - Water Vine
- *Commelina cyanea* - Scurvy Weed
- *Cupaniopsis anacardioides* - Tuckeroo
- *Cyathea cooperi* - Lacy Treefern
- *Glochidion ferdinandi* - Cheese Tree
- *Pittosporum undulatum* - Sweet Pittosporum

Such species should not be planted by council in parks, reserves, road reserves or golf courses, and council should likewise discourage the sale and cultivation of these as for other weed species.

Finally, I’d like to acknowledge the importance of the work carried out by volunteer bush carers throughout the Northern Beaches, many with professional expertise, who help ensure the survival of our precious vegetation, including Endangered Plants and Ecological Communities. It would

benefit the whole community and our environment if we could recruit larger numbers of volunteers who could learn from these experts. Some local schools have run bushcare programs for school sport in the past and many students participate in the Duke of Edinburgh program. These could provide great avenues for mentoring as well as building the ranks of volunteers.

ITEM 15.2**NOTICE OF MOTION NO 12/2023 - AUSTRALIA DAY
CITIZENSHIP CEREMONIES - NEWPORT BEACH**

TRIM FILE REF **2023/248463**
ATTACHMENTS **NIL**

Submitted by: Councillor Rory Amon

MOTION

That:

1. Council officers prepare a proposal for trialing a citizenship ceremony in Newport on Australia Day in 2024.
 2. The proposal be brought to Council's June 2023 meeting for further consideration.
-

BACKGROUND FROM COUNCILLOR RORY AMON

For many years, citizenship ceremonies were held on Australia Day at Newport Beach as a part of Australia Day activities in Pittwater. These ceremonies were in a locale and environment befitting a citizenship ceremony and were much loved by our community.

Since the amalgamation of Northern Beaches Council, Australia Day citizenship ceremonies have not taken place in Newport.

This is a great shame and residents regularly request the reinstatement of those ceremonies.

Under current regulations, the Mayor, Deputy Mayor or Chief Executive Officer is able to preside over a Citizenship Ceremony (see the *Australian Citizenship (LIN 22/074: Classes of Persons Who May Receive a Pledge of Commitment) Authorisation 2022* at <https://www.legislation.gov.au/Details/F2022L01723>).

ITEM 15.3 NOTICE OF MOTION NO 13/2023 - HOP SKIP AND JUMP BUS SERVICE CANCELLATION**TRIM FILE REF 2023/266199****ATTACHMENTS 1 ➡ Councillor Briefing Presentation - Hop Skip and Jump - 04 April 2023 (Included In Attachments Booklet)**Submitted by: Councillor Jose Menano-Pires

MOTION

That:

1. Council note:
 - A. the total cost budgeted for financial year 2023/24 for the Hop, Skip and Jump bus service is \$1.661 million.
 - B. considering the latest available utilisation figures (2021/22) of 151,054, the cost per passenger / trip to our ratepayers would be \$10.99.
2. Council resolve to cancel the Hop, Skip and Jump bus service effective 30 June 2023.
3. Both the capital and operational savings be retained by the Transport and Assets Division to be used for:
 - A. building new footpaths to reduce the backlog.
 - B. road resurfacing (not fixing potholes) to minimise the costs of temporary fixing potholes.

BACKGROUND FROM COUNCILLOR JOSE MENANO-PIRES

This is a service / expenditure that should have been cancelled years ago. As we understand, the historical circumstances that justified the temporary nature of this service have long ago vanished.

12 months have passed since I first introduced a Notice of Motion to cancel this service; another \$750,000 (approx.) of residents' money have been spent.

It is an unsustainable and extremely expensive service (\$10.99 per trip!) that benefits a very small minority of our population in a very limited geographical area.

It is simply not fair to the ratepayers of Pittwater, Narrabeen, Curl Curl and Frenchs Forest Wards, to be asked to keep paying for a service enjoyed by a very small minority at such an exorbitant cost in Manly.

Public transport is a State Government responsibility, and while we have criticised cost shifting from the State to Local Governments in the past, we should not take upon ourselves the burden of providing this service.

We should also note that current public transport **already covers over 80% of the geographic area serviced by this service**. I am also informed that the remaining 20% is within an approximately 400-meter radius of a public transport bus stop.

Cost effective and efficient alternatives exist, as available elsewhere in the Local Government Area (LGA); if viable they can be extended to Manly.

The pressures on our budget are mounting. Just recently it was announced that the State Government will discontinue the subsidy to the Emergency Services Levy, which will leave us with a \$3Million (approx.) shortfall in our FY23/24 budget.

Looking at our long-term forecasts, significant rate rises will shortly be required in order to maintain our level of services, maintenance, and capital expenditure.

Considering the current high pressures on the “cost of living” to our general population, we cannot in conscience burden our ratepayers with this expenditure.

It is not fiscally responsible for Council to continue this expenditure.

It is also intrinsically unfair to the vast majority of our LGA ratepayers.

ITEM 15.4	NOTICE OF MOTION NO 14/2023 - GRAFFITI - INTERSECTION OF FOREST WAY AND WARRINGAH ROAD
TRIM FILE REF	2023/308784
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

MOTION

That Council write to the Member for Wakehurst requesting he make representations to the NSW Government and have the safety concerns and graffiti problem addressed at the intersection of Forest Way and Warringah Road, Frenchs Forest.

BACKGROUND FROM COUNCILLOR STUART SPROTT

For close to two years, I have been asking that this area be made safe, and the graffiti removed.

People are climbing over the fence to graffiti or tag the large sound barrier walls. They are standing on a ledge over 6 metres in height, usually in the dark hours of the early morning and are at risk of either falling, causing serious injury to themselves, or dying.

This has been reported in the newspapers, social media and the radio and it is disappointing that Council's voice has resulted in nothing being done.

These risks to public safety are totally unacceptable and something must be done, and I ask our local member to act.



ITEM 15.5	NOTICE OF MOTION NO 15/2023 - LEARN2SWIM WORKING GROUP
TRIM FILE REF	2023/309108
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

MOTION

That:

1. Council form a Learn2Swim working group, consisting of Pittwater Ward Councillors, relevant members of staff.
2. Council writes to all Learn2Swim providers in Pittwater Ward inviting them to participate in the Working Group.
3. The Working Group settle its Terms of Reference at its first meeting, including giving consideration to possible sites for Learn2Swim services in the Pittwater Ward, actions council could take to facilitate the operation of Learn2Swim services, other matters the Working Group considers relevant.

BACKGROUND FROM COUNCILLOR RORY AMON

There is a shortage of Learn2Swim schools across the Northern Beaches, including North of the Barrenjoey Bends. As at the 2021 census there are over 1,700 children aged up to 9 years in Bilgola Plateau, Avalon Beach, Whale Beach and Palm Beach, and very limited options of Learn2Swim schools, with long waiting lists applying.

Often, Learn2Swim services are run as home businesses. These can be challenging businesses to run owing to parking constraints, and the possibility for conflict with other residents. This summer saw a record number of drownings at New South Wales beaches, being an all-time record. The provision of Learn2Swim services has never been more needed.

In this context, there is scope for Council to consider providing land where a Learn2Swim amenity, similar to that otherwise provided from a home business might be made available for community benefit. I must reiterate, this is not a motion to require the expenditure of funds but to find ways Council can facilitate the provision of Learn2Swim services to children.

16.0 QUESTIONS WITH NOTICE

ITEM 16.1	QUESTION WITH NOTICE NO 9/2023 - WEEDS
TRIM FILE REF	2023/309285
ATTACHMENTS	NIL

Submitted by: Councillor Miranda Korzy

QUESTION

1. Does Northern Beaches Council have a Biodiversity Conservation Strategy that conforms with the standards required under the relevant legislation?
2. How many staff does council employ as authorised officers under the Biosecurity Act 2015?
3. Does Council have enough staff and resources to ensure it carries out its duty as the Local Control Authority, adheres to its General Biosecurity Duty and meets goals set out in relevant council strategies and plans?
4. What areas of need have contractors or volunteer bush regeneration groups identified as priorities for policy and planning reform?
5. When is the next review of the Council's Local Priority Weed Management Plan due?

17.0 RESPONSES TO QUESTIONS WITH NOTICE

ITEM 17.1 RESPONSE TO QUESTION WITH NOTICE NO 4/2023 - DOG ACCESS AT CABBAGE TREE BAY AQUATIC RESERVE AT THE BOWER IN MANLY

TRIM FILE REF 2023/117602

ATTACHMENTS 1 [Urban Dog Management Policy \(D70\)](#)

Submitted by Councillor Candy Bingham

QUESTION

What can be done to prevent dogs from accessing the rock platforms and swimming in the water at the highly sensitive and protected marine environment of Cabbage Tree Bay Aquatic Reserve at the Bower in Manly?

RESPONSE

Part 3 of the *Companion Animals Act 1998* prescribes various responsibilities with respect to the control of dogs. These include responsibilities to control dogs in public places.

The entitlement for a person to have a dog in a public place is subject to Section 14 of the *Companion Animals Act 1998*. Section 14 prohibits dogs in specified places, such as certain public places where the local authority has “ordered” that dogs are prohibited. These public places include prescribed recreation areas, public bathing areas and wildlife protection areas in which the local authority has “ordered” that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place or part.

Notably, Section 14 does not operate in respect of prescribed recreation areas, public bathing areas, and wildlife protection areas unless Council has made “an order”. Under Section 632 of the *Local Government Act 1993*, a council has power to erect a notice regulating the taking of any animal into a public place or the use of any animal in the public place (see Section 632(2)(c) and (d)).

Various other instruments may also regulate dogs accessing certain locations.

Council’s Dogs - Urban Dog Management Policy D70 (Attachment 1) relevantly provides, among other things:

“ ...

That pursuant to the provisions of section 13 (6) of the Companion Animals Act 1998, Council declare that:

1. Dogs be totally prohibited from all beaches, all swimming enclosures,

2. Unless dogs are under effective control of some competent person by means of an adequate chain, cord or leash they are excluded from:

...

ii. The ocean beachfront between Shelly Beach and Queenscliff Surf Club including Marine Parade Reserve, North and South Steyne Reserve and Merrett Park.

iii. Shelly Beach Headland and Shelly Beach Reserve below the access road

...

3. All other reserves under the care, control and management of Council may be used for the exercising or training of dogs provided that such activities do not conflict or interfere with any other users or authorised events on such reserve.

...”

In *Palm Beach Protection Group Incorporated v Northern Beaches Council* [2020] NSWLEC 156, the Land and Environment Court was prescriptive as to the steps required to exercise powers under relevant legislation including the *Companion Animals Act 1998*.

As such, before any decisions are made by Council to prohibit dogs from land on which dogs are not currently prohibited, a review of the specific circumstances should be undertaken to determine whether controls may be implemented and, if so, the steps that would need to be followed to do so. This may include among other things investigating the potential to make orders under the *Companion Animals Act 1998*, and erect notices under that Act and the *Local Government Act 1993*.

Relevant matters for consideration include:

- Details of the legal status of the land (e.g. ownership, nature of land, zoning, boundaries etc)
- The provisions of any plan of management and other policies applying to the land
- Other relevant documents or controls pertaining to the land, including a review of any historic matters that continue to apply to the land
- The application and effect of the *Environmental Planning and Assessment Act 1979* (if any)
- Any need for community consultation in accordance with Council's Community Engagement Strategy.

Based on recent projects, it is estimated that these investigations would take a minimum of 6 months to complete and require the reallocation of resources.

D70. Dogs - Urban Dog Management

Title: Dogs – Urban Dog Management Policy

Policy No: D70

Keywords: Companion Animals, Dogs, Leash

Responsible Officer: Deputy General Manager – Land Use and Sustainability

1. PURPOSE AND AUTHORITY

The objective of this policy is to declare, for the purpose of the *Companion Animals Act 1998*, certain places within the Manly local government area to be places where dogs are totally prohibited as well as places where dogs are excluded unless they be under the effective control of some competent person.

2. POLICY STATEMENT

Council is committed to the efficient and effectual administration of the *Companion Animals Act 1998*. This policy is for the purposes of that Act, the salient part of the policy being as follows:

That pursuant to the provisions of section 13 (6) of the *Companion Animals Act 1998*, Council declare that:

1. Dogs be totally prohibited from all beaches, all swimming enclosures, Manly Oval, Council's Reserve Spring Cove and Manly Peace Park Wildlife Protection Area.
2. Unless dogs are under effective control of some competent person by means of an adequate chain, cord or leash they are excluded from:
 - i. Clontarf Reserve between the hours of 10am and 6pm (eastern standard time) and 10am and 8pm eastern summer time) on weekends, school holidays and public holidays.
 - ii. The ocean beachfront between Shelly Beach and Queenscliff Surf Club including Marine Parade Reserve, North and South Steyne Reserve and Merrett Park.
 - iii. Shelly Beach Headland and Shelly Beach Reserve below the access road
 - iv. Gilbert Park
 - v. Little Manly Point Park
 - vi. Fairlight Beach
 - vii. Little Manly Cove Foreshore Reserve
3. All other reserves under the care, control and management of Council may be used for the exercising or training of dogs provided that such activities do not conflict or interfere with any other users or authorised events on such reserve.

(O.M. 11.8.81)
(Confirmed 20.10.97)
(Reviewed SPC 23.2.98)
(Reviewed SPC 14.10.02)

3. PRINCIPLES

The principle underpinning this policy is to provide for the effective and responsible care and management of companion animals within the Manly local government area.

4. SCOPE

This policy applies to the various parks, reserves, and other places specified in the policy.

5. DEFINITIONS

See section 5 of the *Companion Animals Act 1998*.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

Council and/or the General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

Breaches of this policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

10. RELEVANT REFERENCES AND LEGISLATION

Companion Animals Act 1998
Local Government Act 1993

11. RELEVANT COUNCIL POLICIES

Nil.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review	Manager Corporate Governance	General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

ITEM 17.2	RESPONSE TO QUESTION WITH NOTICE NO 8/2023 - NORTHERN BEACHES COUNCIL'S STRATEGY AND PROJECTED COSTS TO ACHIEVE NET ZERO EMISSIONS BY 2030
TRIM FILE REF	2023/113896
ATTACHMENTS	NIL

Submitted by: Councillor David Walton

QUESTION

On 28 November 2022, Northern Beaches Council informed the Northern Beaches community by way of a media release, that Council should reach net zero by 2030. The media release advised the community, amongst other things, that: "We're well on our way to reaching our target to be a net zero Council by 2030". See media release:

<https://www.northernbeaches.nsw.gov.au/council/news/media-releases/northern-beaches-achieves-leadership-status-on-carbon-disclosure-project>

Climate change has rapidly evolved from being an ethical and environmental issue, to an issue that presents material financial risks and opportunities for organisations, in the short, medium and long terms. It is incumbent upon all Councillors on the governing body of the Northern Beaches Council, to deepen our understanding of the strategic implications of climate change, in order to engage with our executive teams on transition plans, costs and realistic net zero targets to embed climate strategy.

In response to this public media release, the questions on notice are:

1. When did the Northern Beaches Council determine to reach net zero by 2030?
2. What are the strategies and pathway to achieve net zero by 2030?
3. What are the total costs associated with achieving net zero by 2030?
4. Where have we assessed climate change as a material risk and how have we assessed its potential impact on our financial position and prospects?

RESPONSE

1. At the Council Meeting held 17 December 2019, Council adopted *Protect.Create.Live – The Northern Beaches Environment and Climate Change Strategy 2040* (Environment & Climate Change Strategy). This document includes the following net zero aspirations and commitments for Council operations:
 - Aspiration – We aspire to achieve net zero emissions by 2030
 - Commitment – We are committed to net zero emissions by 2045.
2. Within the Environment & Climate Change Strategy 2040, the strategies and pathways to achieve the net zero commitments and stretch for the aspirations include:
 - Regularly monitor, report, and publicise our sustainability initiatives (Strategy 9.1)
 - Reduce carbon emission from our operations by using alternative processes, different ways of working, products and vehicles (Strategy 9.2)

- Monitor our waste generation and minimise waste, maximise recycling, reduce waste to landfill and support a circular economy (Strategy 9.3)
- Build the capacity of staff to support and implement initiatives (Strategy 9.4)
- Strongly and consistently consider sustainability criteria in all Council's procurement activities, including electricity contracts and investments (Strategy 9.5)
- Retrofit Council buildings and other assets to make them use less energy and water and incorporate green infrastructure. Examples include, solar panels and efficient lighting, appliances, air conditioning, and pool water heating and water sensitive urban design (Strategy 9.9)
- Make Council buildings and other assets and other assets connected and automated to be smarter and more efficient (Strategy 9.10)
- New builds and infrastructure to be exemplars of best practice in sustainability and embrace innovation (Strategy 9.11)
- Lobby and advocate on behalf of our community to ensure that local, state and federal policies reflect and enforce the efforts needed to help our community transition to living more sustainably (Strategy 9.12)

These strategies are further supported by the actions within the Climate Change Action Plan: <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/environment-and-climate-change-strategy/environment-and-climate-change-strategy-and-plans/climate-change-action-plan-feb2021.PDF>

3. Achieving net zero by 2030 is an aspirational target, with the commitment being to reach net zero by 2045.

Council has reduced its emissions by approximately 80% since the adoption of ECC Strategy with the uptake of its renewable electricity PPA. The remainder is generally attributable to emissions from a combination of gas use, waste, and fleet/plant.

Council could achieve net zero by simply purchasing offsets, however a) Council is seeking to reduce its emissions in the first instance and b) the costs of offsetting can vary depending on the emissions calculation scheme used.

The emission reduction measures Council is proposing over the 2022-26 Delivery Program budget include: 1) Further energy efficiency and solar panel installations, 2) transitioning our assets away from gas power 3) waste audits to understand and reduce emissions associated with waste collection, processing, and disposal, and 4) electrification of our fleet.

Over the next four years, \$1.27 million is allocated in the 2022-2026 Delivery Program to fund these projects and Council will continue to seek opportunities to attract external funding. The intention is to progress toward net zero and try to achieve it as soon as is practically, technically, and financially possible.

In terms of purchasing offsets, it is noted that it is difficult to accurately forecast the total costs associated with achieving net zero emissions due to changing technologies and other developments over the coming decades. For example, the NSW State Government in its Net Zero Plan Stage 1 (2020-2030) states that "*rapid changes in technology make identifying the lowest cost path to net zero difficult.*"

To support our analysis and reporting of progress towards net zero, staff propose to harmonise Council's climate change and sustainability policies with a view to incorporating a governance framework for carbon accounting in preparation for future carbon offsetting.

4. The material risk and assessment of potential impact of climate change is being considered in the current review of Council's Climate Change Risk Assessment (CCRA). Enhancing our understanding of the risks associated with climate change, and taking actions to adapt to these changes, will reduce the frequency, severity, recovery time and cost of climate change impacts to our organisation and community. On completion of the CCRA the risks will be incorporated into Council's Enterprise Risk Management Framework. This will be the mechanism for determining the financial benefits and costs associated with the delegated risks across the organisation.

18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

1. In accordance with the requirements of section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
 - A. Item 18.1 Exemption from Tender Process for Street Sweeping Service (Former Pittwater Council LGA and Manly Council LGA) on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993].

This report discusses/provides advice concerning services for street sweeping. 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 the companies providing the service to Council.
2. The resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

In accordance with Part 15 of the Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson as soon as practicable. The resolution must be recorded in the publicly available minutes of the meeting.



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