

# AGENDA

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

**Tuesday 28 April 2020**

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



**Ray Brownlee PSM**  
**Chief Executive Officer**

## OUR VISION

*Delivering the highest quality service valued and trusted by our community*

## OUR VALUES

*Trust Teamwork Respect Integrity Service Leadership*



**Agenda for an Ordinary Meeting of Council  
to be held on Tuesday 28 April 2020  
Commencing at 6:00pm**

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	Nil	
<b>18.0</b>	<b>REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION</b>	

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## **1.0 ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

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## **3.0 CONFIRMATION OF MINUTES**

### **3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 24 MARCH 2020**

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#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held 24 March 2020, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

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## **4.0 DISCLOSURES OF INTEREST**

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

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

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

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## **6.0 ITEMS RESOLVED BY EXCEPTION**

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

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## 8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

<b>ITEM 8.1</b>	<b>PUBLIC EXHIBITION OF THE DRAFT DELIVERY PROGRAM 2020-2024, OPERATIONAL PLAN AND BUDGET 2020/21 AND FORECAST FINANCIAL IMPACT OF COVID-19 PANDEMIC</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER FINANCIAL PLANNING AND SYSTEMS EXECUTIVE MANAGER STRATEGY AND PERFORMANCE</b>
<b>TRIM FILE REF</b>	<b>2020/181734</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a> Draft Delivery Program 2020-2024 and Operational Plan and Budget 2020/21 (Will be provided as soon as it is available) 2 <a href="#">⇒</a> Draft Fees and Charges 2020/21 (Will be provided as soon as it is available)</b>

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### SUMMARY

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#### PURPOSE

To approve the exhibition of the draft Delivery Program 2020-2024 and Operational Plan 2020/21 (including the Budget plus Fees and Charges). In addition, to provide an update on the forecast financial impact of the COVID-19 pandemic on the current 2019/20 budget and the support measures for occupants of Council properties affected by the public health measures that have been put in place to manage the spread of COVID-19.

#### EXECUTIVE SUMMARY

The draft Delivery Program 2020-2024 outlines the Council's priorities over the next four years to deliver the goals identified in the Community Strategic Plan. It addresses Council's operations and allocates responsibility areas for each action. The draft Operational Plan 2020/21 (including the Budget plus Fees and Charges) is a subset of the Delivery Program and details the specific actions Council will deliver during the year.

The Operational Plan supports the continued delivery of high-quality services, projects and capital works. Key activities for 2020/21 include:

- Construction of Mona Vale SLSC (\$7.3 million) and Long Reef SLSC (\$3.9 million).
- Completing the Coast Walk and nearby cycleways from Newport to Palm Beach (\$5.2 million).
- The Narrabeen Lagoon pedestrian and cycle bridge (\$4.9 million).
- Coastal protection at Collaroy-Narrabeen Beach (\$2.9 million).
- Extensive new footpath program (\$2.2 million).
- Accelerating the streetlighting LED replacement program to reduce emissions (\$1.3 million).

Council has been developing response strategies to the many impacts for both the community and the Council of the pandemic. Following a resolution of Council (24 March 2020, item 8.2), the Small Business and Community Support Package has been established. In summary, the package provides for the waiver of environmental health, fire safety, outdoor dining and footpath merchandising fees, financial hardship arrangements including waiving of interest and a number of measures to continue to support small businesses. Council has also developed an approach to provide financial assistance to lessees and licensees of Council property.

The Council is also incurring financial losses due to both closed and impacted services the Council operates. The financial implications of these impacts are forecast to result in an \$8.7 million net cost for the remainder of the 2019/20 financial year. This includes \$2 million to support small business and the community in the 2019/20 financial year. A further \$7.3 million in losses is anticipated in the 2020/21 financial year, inclusive of an additional \$1.6 million for the current support package. Should the Council adopt to provide a ratepayer subsidy equivalent to half the rate-peg and domestic waste increase for 2020/21 and to defer implementation of the 2020/21 Fees and Charges to 1 October 2020, the net cost in responding to the COVID-19 pandemic will increase by a further \$5 million, to a total \$21 million.

An option to delay issuing rates notices to ratepayers until 1 September 2020, and the collection of the first quarter rates instalment until 30 September 2020 is now available. Regulations have been made under section 747B of the Local Government Act 1993 to temporarily modify the application of the Act in response to the COVID 19 pandemic to facilitate this. If this option is taken up by Council it will defer the collection of approximately \$62 million by one month which will require Council to utilise funds collected in the fourth instalment of the 2019/20 Rates & Annual Charges in May to cover this deferral.

The 2020/21 budget projects a total expenditure of \$433 million, including a capital works program of \$92 million. Our financial position will be temporarily impacted by the financial implications of the COVID-19 pandemic summarised above, with a projected operating deficit before capital grants and contributions of \$6.8 million.

In accordance with the Local Government Act 1993 the documents need to be exhibited for a minimum of 28 days. Any submissions received need to be considered by Council prior to adopting the Budget 2020/21.

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## RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council:

1. Notes the draft Delivery Program 2020-2024 and Operational Plan 2020/21, incorporates adjustments for supporting our community and economy during the COVID pandemic including:
  - A. \$4.3 million in financial assistance to all ratepayers through a subsidy under Section 356 of the Local Government Act 1993 of the equivalent of 50% of the 2020/21 increase in rates and domestic waste charges.
  - B. \$0.7 million to defer changes to fees and other charges to 1 October 2020.
  - C. deferring the due date of the 2020/21 first instalment rates notice from 31 August to 30 September 2020.
2. Place the draft Delivery Program 2020-2024 and Operational Plan 2020/21 (including the Budget, Fees and Charges and rates and domestic waste charges s356 subsidy proposal) on public exhibition for a minimum of 28 days and a report on the outcomes of the public exhibition be presented back to Council.

3. Where an existing Council lessee/licensee/occupier can provide evidence with supporting documentation that they are experiencing financial hardship and cannot make payments to Council as a result of Government regulation to manage the spread of COVID-19, Council's Chief Executive Officer be given authority and discretion to:
    - A. Waive, discount or defer annual rentals/fees for up to six months, commencing with a three month waiver, discount or deferral, that is subject to change in the event that government assistance is provided or changes are made to the government enforced closure rules.
    - B. Extend, by agreement, any existing lease/licence/occupancy agreement of a current Council lessee/licensee/occupier by six months where an existing agreement was due to expire within the next 18 months from the date of this resolution.
    - C. Enter into a direct arrangement (rather than invite tenders where required) for the extension of any agreement outlined in item B above in accordance with Section 55(3)(i) of the Local Government Act 1993 due to the extenuating circumstances as a result of the COVID-19 Pandemic.
  4. Establish two new internally restricted reserves for 'plant and fleet replacement' and 'Kimbriki landfill remediation'.
  5. Note the 2019/20 financial impact forecast of responding to the COVID-19 pandemic.
  6. Applies to the Commonwealth Bank of Australia for an overdraft increase to an amount of \$5 million for a period of 12 months.
  7. Delegates authority to the Chief Executive Officer to do all things necessary in order to give effect to this resolution.
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**REPORT**

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**BACKGROUND**

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

*Figure 1: Integrated Planning and Reporting Framework*



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

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

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

Council’s Delivery Program covers four years 2020-2024, with the Operational Plan comprising the first year 2020/21. The Operational Plan details the year’s activities, expenditure, income, rates, domestic waste charge, borrowings and fees and charges.

### Modification of Statutory Deadlines – COVID-19 Pandemic

To provide NSW councils with flexibility to adjust to the rapidly shifting circumstances and to allow them to provide appropriate financial support to their local communities, a number of statutory deadlines for 2019/20 and 2020/21 have been modified. This includes:

Requirement	Prior deadline	New deadline
Adoption of Operational Plan (s405(1))	By 1 July 2020	By 1 August 2020
Issuing of rates notices (s533)	By 1 August 2020	By 1 September 2020
Date by which quarterly rates are payable – 562(3)(a)	31 August 2020	30 September 2020

The Office of Local Government in Circular 20-12/ 17 April 2020 / A696830 have advised that councils do not need to resolve to extend the date to adopt its Operational Plan, issue rates notices or collect the first rates instalment.

This provides the Council with the option to defer the due date of the rates notice first instalment to 30 September 2020 instead of 31 August 2020. The draft Delivery Program and Operational Plan proposes that Council adopt this approach.

### Delivery Program and Operational Plan

The Delivery Program 2020-2024 continues to respond to community priorities identified through extensive community engagement since 2017.

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

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

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

- ongoing services and programs
- operational and capital projects
- performance measures, with revised targets
- satisfaction measures
- income and expenditure.

The Operational Plan 2020/21 supports the continued delivery of high quality services and key operational projects to ensure better outcomes for our community. It also provides a commitment via targeted financial assistance and programs, to lessen the impact of the COVID-19 pandemic on our community and local businesses enabling our economy to bounce back as restrictions ease.

The Operational Plan 2020/21 includes a capital works program of \$92.3 million. Highlights include:

- \$10.5 million to resurface 18.6km roads, renew 8km footpaths and build 4.7km of new ones
- \$11.2 million to upgrade Mona Vale and Long Reef Surf Lifesaving Clubs
- \$6.4 million for stormwater works to reduce flooding and pollution
- \$5.2 million for Coast Walk paths and cycleways from Newport to Palm Beach
- \$4.9 million for Narrabeen pedestrian and cycle bridge
- \$3 million to construct Dee Why Town Centre parks in St Davids Avenue and Triangle Park
- \$2.9 million for Warriewood Valley open space, sports, traffic, transport and community centre works
- \$2.9 million for coastal protection at Collaroy-Narrabeen
- \$2.0 million to improve Bells and Carols wharves at Scotland Island.

#### COVID-19 SUPPORT PACKAGES

On 11 March 2020, the World Health Organisation (WHO) characterised novel coronavirus (COVID19) as a pandemic. As a result, Federal and State Governments implemented significant measures to manage the spread of COVID-19. While many events, services, open spaces and beaches have closed or are restricted; these protective actions are in response to a rapidly changing situation and are to protect the health of our community. This is having a significant impact on our way of life, with individuals and local businesses suffering financial hardship as a result.

On 24 March 2020, Council approved historic measures to support our local community and economy through the pandemic. For the 2019/20 financial year the package provides \$2 million in support. These measures are incorporated into the draft Operational Plan 2020/21 along with additional measures to support our community to recovery from the pandemic. The measures cover the three months from July to September 2020 and include:

Program	2020/21 Financial Assistance
Rate Structure 2020/21 – ratepayer subsidy equivalent to 50% of the rate increase and deferral of the due date for the 2020/21 rates notice first instalment from 31 August to 30 September	\$2.193 million
Domestic Waste Management Charge 2020/21 – ratepayer subsidy equivalent to 50% of the increase	\$2.140 million
Fees and Charges 2020/21 – deferral of fee changes to 1 October 2020	\$0.655 million
Business Support Plan – temporary waiving of fees (Council meeting 24 March)	\$0.485 million

The Community Care Package	Nil – existing Council resources reallocated
Council tenant support for businesses and community groups – waiving or reduction in fees	\$1.115 million in rent relief
Free Childcare for families using Council’s Long Day Care, Pre-schools, Family Day Care and Vacation care services	TBA – Partnership between Federal and NSW Government’s and Council – <i>details yet to be determined by NSW Government</i>
<b>Total</b>	<b>\$6.588 million</b>

Further details on these measures are discussed below.

In addition, the delivery of Council’s \$92.3 million capital works program will provide ongoing stimulus for our economy and opportunities for local employment on the Northern Beaches as we recover from the pandemic. While the works program has been reduced to provide capacity for Council to respond to the pandemic, Council is continuing to look at how the program may be delivered to create opportunities for local contractors to undertake smaller works.

### Rates and Domestic Waste Charges

In addition to making available the NSW Government’s option to defer the due date of the rates notice first instalment to 30 September 2020 instead of 31 August 2020, the draft Delivery Program and Operational Plan proposes that Council offer a subsidy to ratepayers under s356 of the Local Government Act equivalent to:

- 50% of the increase in rates due to the application of the 2.6% rate peg (\$2.193 million)
- 50% of the increase in the Domestic Waste Management Charge (\$2.140 million).

The Local Government Act, under s356, enables a Council to financially assist others for the purpose of exercising its functions. In general, at least 28 days’ public notice of the Council’s proposal is required. The public exhibition of the draft Delivery Program and Operational Plan is proposed to incorporate this proposal.

### Fees and other charges

Fees for the first three months of the financial year are proposed to remain at 2019/20 pricing. This will provide certainty and financial support to our community while we recover from the pandemic. The impact of deferring the fee increase until 1 October 2020 on the draft Budget 2020/21 is \$0.655 million.

### Business Support Plan Program

This plan helps reduce the impact on our local economy of the State and Federal restrictions on social mixing to protect public health. The support measures include the temporary waiving of the following fees:

- Outdoor dining fees (from 1 April up to 30 September 2020).
- Footpath merchandising fees (from 1 April up to 30 September 2020).
- Fire safety annual fees (from 25 March up to 30 September 2020).
- Environmental health inspection - annual and first inspection fees (from 1 February up to 31 August 2020).

The impact of the fee waivers on the draft Budget 2020/21 is lost income of \$0.485 million.

Other initiatives include:

- Pragmatic enforcement to support the flexible operations of local businesses.
- Local Business Support webpage and Beaches Biz News.
- Helping businesses build digital and social media capacity.
- Rates and Charges Hardship Policy for eligible business ratepayers.
- Working with our Chambers of Commerce on changing needs.

In the event that the government imposed lock down restrictions are extended, a further report will be provided to Council regarding ongoing assistance.

### **The Community Care Package Program**

This program focusses on maintaining social connection, safety, essential services and supporting vulnerable community members. This includes:

- Continuation of essential services such as Meals on Wheels.
- Shifting adolescent and family counselling online and by phone.
- Library 2U service for all library members, as well as increased loan periods and reduced fees.

Council is also helping fill the gaps, especially for charity and not-for-profit groups who are seeing unprecedented demand for their services. This includes:

- Assistance to community, cultural and charity groups with planning and communications.
- Helping distribute daily 100 boxes of fresh fruit and vegetables to vulnerable residents.
- Launching a 'Check on your Neighbour' campaign to keep people connected.

This program is being delivered by reallocating existing resources.

### **Free Childcare for Families Package**

This partnership between Federal Government, NSW Government and Council will deliver free childcare to families using Council's six long day care centres, two pre-schools, family day care and vacation care for up to six months from 6 April 2020. This guarantees the continuity of early education particularly for families experiencing financial difficulties.

Funding for this program is through the Federal Government's \$1.6 billion childcare package and the NSW Government's \$82 million support program for council childcare centres and \$51 million package for preschools. While details are yet to be determined by the NSW Government, it is anticipated the cost to Council will be \$250,000 in the 2020/21 financial year. Due to the uncertainties regarding this package, no adjustments have been made to the budget at this stage.

### **Council Tenant Support Program - Businesses and Community Groups**

This new program, will be back dated to commence as of 1 April 2020, subject to Council approval. It provides targeted support for Council tenants with lease, licence or occupancy agreements impacted by the Government measures to prevent the spread of COVID-19 including:

1. Not-For Profit Community Sporting Clubs:
  - A. Year round sports (Lawn Bowls etc.)
  - B. Winter sports (Netball, Rugby, AFL, Soccer etc.)

2. Not-For Profit Community Groups:
  - A. Scouts, Air League, Bridge Club
3. Cafés & Restaurants.
4. Impacted Commercial Sporting Operators - Gymnasiums, Dance Studios etc.

The program provides for:

- The waiver, discount or deferral of annual rentals/fees for up to six months, commencing with a three month waiver, discount or deferral, that is subject to change in the event that government assistance is provided or changes are made to the government enforced closure rules.
- A six month extension to any affected commercial lease or licence due to expire in the next 18 months to assist the businesses get back on their feet.
- No charge on outgoings for buildings that are no longer in use.

Based on a six month waiver period, the estimated financial impact on Council is approximately \$2.1 million (business rent relief of approximately \$1.5 million and community rent relief of approximately \$0.6 million). The impact on the 2020/21 budget is \$1.115 million.

Financial hardship for the purpose of this program is defined as those Council property lessees/licensees/occupiers having severe difficulty in paying the rent/fees due on their leases/licences/agreements as a result of the Government mandated closures to stop the spread of COVID-19 that became effective from 20 March 2020.

Each application will be considered on a case by case basis by the Chief Executive Officer or delegate. However, the Chief Executive Officer may deem that groups of lessees/licensees/occupiers automatically qualify for the proposed waiver.

### **Budget Overview and Financial Forecasts**

#### **Increase in Bank Overdraft Limit**

Council currently has a bank overdraft of \$500,000 which is available to act as a buffer as part of its cash management function.

At 31 March 2020 Council had total cash and investments of \$190,792,653 (including Kimbriki Environmental Enterprises) comprising:

- Trading Accounts \$4,633,423.
- Investments \$186,159,230.

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

In opening a term deposit, you are signing an agreement with the bank for a set period of time and if you need to make an early withdrawal, you are breaking this agreement. In 2015 the majority of banks introduced a 31-day notice period under the Basel III reforms. Basel III is a 2009 international regulatory accord that introduced a set of reforms designed to mitigate risk within the international banking sector, by requiring banks to maintain proper leverage ratios and keep certain levels of reserve capital on hand. These reforms were aimed at reducing the financial stresses upon banks by making sure they have enough funds to get through 30 days of any financial upheaval or crisis that may occur.

Along with the 31-day notice period generally, there are also two types of penalties that are applied to early withdrawals:

- Interest rate reductions.
- Break costs.

Council has seen a significant decline in the inflow of funds from fees and charges since the latter part of March. The reduction in these inflows has placed pressure on Council's ability to meet its commitment to support local business by the prompt payment of supplier invoices. The impact has been more obvious and pronounced in April and is likely to remain at this level for at least several months. Given the uncertainties associated with the length of the pandemic and the significant financial impacts on the economy it is anticipated that measures would need to be put in place for at least 12 months.

As stated above, current circumstances have resulted in a considerable impact on Council's cash inflows from fees and charges. This impact has arisen due to the closure of Council facilities and the reduced utilisation of facilities (such as parking stations). Whilst the impact has become more pronounced in April we estimate the impact on Council's cash inflows to be approximately \$5 million - \$7 million per month. This may increase depending on unknown factors such as the duration of the COVID-19 crisis, the level of hardship relief requests received from ratepayers and others (impact of non-payment and/or deferral of both rates and other Council fees and charges) and the impact of Council's community support initiatives. These factors may place more negative pressure on Council's cash flow.

An option to delay issuing rates notices to ratepayers until 1 September 2020 and the collection of the first quarter rates instalment until 30 September 2020 is now available. Regulations have been made under section 747B of the Local Government Act 1993 to temporarily modify the application of the Act in response to the COVID 19 pandemic to facilitate this. If this option is taken up by Council it will defer the collection of approximately \$62 million which will require Council to utilise funds collected in the fourth instalment of the 2019/20 Rates and Annual Charges in May to cover this deferral.

Accordingly, it is proposed to increase Council's bank overdraft to \$5 million for a period of 12 months as an integral and prudent part to the cash management function and to avoid the need for the early redemption of term deposits. The Bank has indicated that they would be open to provide an extension on our current overdraft facility. They have indicated that any extension to an existing facility will require Council to provide financial information to assist with confirming its ability to fund/repay the facility (Financial Statements etc) plus cash flow or other information to demonstrate the requirement for the amount of any facility or facility extension. They have also indicated that a Council minute showing Council's support of the proposed facility or extension of a facility will be required.

Accordingly, it is proposed to apply to the Commonwealth Bank of Australia for an overdraft increase to an amount of \$5 million for a period of 12 months.

### **2019/20 Budget**

The evolving COVID-19 pandemic is anticipated to require material adjustments to the 2019/20 budget due to the ongoing impact of service closures and reductions. Forecasts based on current information is anticipated to result in an \$8.7 million net cost to Council for the remainder of the 2019/20 financial year as outlined below:

- \$6.7 million in losses due to both closed and impacted services including:
  - \$2.4 million car parks, pay & display and other parking related income
  - \$1.3 million aquatic centres
  - \$1.3 million development assessments and related income

- \$0.7 million community centres
- \$1 million others including Glen St Theatre and Lakeside Holiday Park.
- \$2 million in small business and community support:
  - \$0.7 million fee waivers
  - \$1 million rent relief for council lessees and licensees
  - \$0.3 million waiver of sportsfield booking fees.

The Council is currently reviewing budgeted contractor and consultant engagements either due to reprioritisation or because internal resources can now undertake the work. These adjustments will be considered as part of the March Quarterly Budget Review to be considered at the May 2020 Council Meeting, along with the proposed deferral of some capital expenditure to offset the impacts of the COVID-19 pandemic.

### **2020/21 Draft Budget**

The 2020/21 budget projects a total expenditure of \$433 million, including a capital works program of \$92.3 million. Our financial position will be temporarily impacted by the financial implications of the COVID-19 pandemic, with a projected operating deficit before capital grants and contributions of \$6.8 million.

The 2020/21 budget anticipates the financial impacts of COVID-19 to be \$12.3 million:

- \$5.7 million in losses due to both closed and impacted services:
  - \$2.3 million car parks, pay & display and other parking related income
  - \$1.6 million aquatic centres
  - \$0.7 million development assessments and related income
  - \$0.4 million community centres
  - \$0.7 million others including Glen St Theatre and Lakeside Holiday Park.
- \$6.6 million in small business and community support:
  - \$0.5 million fee waivers
  - \$1.1 million rent relief for council lessees and licensees
  - \$4.3 million ratepayer subsidy of 50% of the increase in rates and domestic waste charges
  - \$0.7 million defer implementation of the 2020/21 fees to 1 October 2020.

The proposed capital works program is \$92.3 million. The program responds to the priorities in the Community Strategic Plan for improving infrastructure to more easily move around, protect our environment and providing attractive spaces where we can play sport or relax with friends and family. In addition, the expenditure supports the Federal and State Government priority to continue investing in infrastructure and provide ongoing stimulus for our economy and opportunities for local employment on the Northern Beaches as we recover from the pandemic.

This investment includes \$41.5 million in asset renewal to improve the overall condition of our assets to reduce ongoing operational costs associated with asset repair and maintenance. A further \$50.8 million for delivering high priority new assets to the community. The individual projects within the program will create opportunities for local contractors to undertake smaller works.

### **Efficiency savings**

The Council has achieved a reduction in operating costs in the development of the 2020/21 draft budget, meeting the \$2.75m target reduction set out in the Long Term Financial Plan for 2020/21. We are continuing to work across the organisation to provide efficiency improvements and to continue to contain costs. The 2021/22 financial year of the Delivery Program also forecasts a further \$2.75m reduction in operating costs.

### **Establishment of new internally restricted cash reserves**

The Council has a number of internally restricted cash reserves for financial prudence and to disclose the purpose of the funds we hold. The 2020/21 Draft Budget proposes the introduction of two additional internally restricted cash reserves:

- Plant and fleet replacement – in line with a 10-year plant and fleet replacement program based on optimum replacement, internal plant and fleet hire rates have been established to recover projected average capital and maintenance expenditure. There is a high degree of variability in the capital expenditure required from year to year in this asset class, due to the timing of scheduled replacements, particularly for larger items such as waste compactors. The establishment of a reserve provides for the variations from year to year, demonstrating prudence through long term financial planning and stability.
- Kimbriki landfill remediation – Kimbriki charges customers a landfill remediation levy to fund the future remediation of the site. Kimbriki holds these funds in a term deposit. The Council's financial reports contain a provision for this liability, and it is proposed to establish an internally restricted reserve to disclose the purpose of the holding of this cash.

## **Revenue Policy**

### **Rating Structure 2020/21**

The State Government via the Independent Pricing and Regulatory Tribunal (IPART) caps the total general income that maybe raised from levying rates on property. IPART has determined that general income from rates in 2020/21 may increase by a maximum of 2.6%.

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

- an increase of 2.6% in employee benefits and on-costs, measured by the ABS wage price index for the NSW public sector
- an increase of 3.8% in construction works – roads, drains, footpaths, kerbing, bridges costs, measured by the ABS producer price index for roads and bridge construction – NSW
- an increase of 3.7% in building – non-dwelling costs, measured by the ABS producer price index for non-residential building construction – NSW.

Council has explored ways in which it will provide additional support to the community during the pandemic by minimising the impact of rate increases on families and businesses. However, if the maximum increase is not taken up it will have an ongoing impact on rates revenue.

This can jeopardise a council's capacity to continue to address current and emerging needs of the community and its financial sustainability over the long term.

Financial support that limits the impact on rates income to a single financial year is available through providing a subsidy under the Local Government Act 1993 (s356).

The draft Operational Plan and Budget 2020/21 is based on an increase in total general income of 2.6% (the rate cap - \$4.386 million) with a ratepayer subsidy of 50% or \$2.193 million of the rate peg increase across all ratepayers. This will mean rates, after applying the subsidy will increase by 1.3%.

In accordance with the Local Government (Council Amalgamations) Proclamation 2016, the current rate structure including category and sub-categories of the former councils will be maintained and rate assessments will be based entirely upon property valuations (ad valorem) but with minimum rates applying where appropriate. Rates for 2020/21 will be assessed on land values as at 1 July 2019.

### Domestic Waste Management Charge 2020/21

The Domestic Waste Management (DWM) Service is provided to all residential properties on the Northern Beaches. Council must make and levy an annual charge for the service and income must not exceed the reasonable cost to Council of providing the services (Section 496 and 504).

The new contracts for domestic waste collection and disposal commenced in 1 July 2019 standardising the service across the Northern Beaches.

The cost of the service is \$47.5 million less the return of \$2 million surplus funds from the domestic waste reserve. The net cost of the service will be levied against each ratable property. A further s356 subsidy of 50% of the increase in the charges is proposed to support families during the pandemic. The subsidy will be funded by drawing down the Domestic Waste Reserve by a further \$2.140 million. The proposed charge for a standard domestic waste service is at Table 1.

The increase in the charge relates to additional recycling and vegetation processing costs and CPI increases on the contracts (\$13) as well as drawing down of the surplus in the domestic waste reserve in 2019/20 resulting in a lower charge (\$28 of this year's increase).

Table 1– Domestic Waste Standard 80L Service Fee

Service	2019/20 Fee	2020/21 Proposed		
		Fee	Less Subsidy of 50% increase	Amount payable*
Standard Charge – 80L	\$405	\$446	\$20.50	\$420.50

\* The figure excludes further deductions associated with pensioner rebates

### Fees and Charges 2020 /21

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

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

As noted earlier, fees for the first three months of the financial year are proposed to remain at 2019/20 pricing. This will provide certainty and financial support to our community while we recover from the pandemic. The impact of deferring the fee increase until 1 October 2020 on the draft Budget 2020/21 is \$0.655 million.

The Manly Parking Scheme's proposed fee structure for 2020/21 maintains the current structure in place for 2019/20. A new Parking Scheme was approved by Council on 17 December 2019. A fee structure for the new scheme will be subject to further consultation and a separate Council report brought back on this matter.

New fees for Bilarong Hall and recently renovated rooms in Manly Youth and Community Centre are proposed to apply as of 1 July 2020. These fees were exhibited in early 2020 and eight submissions received. Due to the closure of community centres from the pandemic, these fees were not adopted in 2019/20. Individuals that made a submission will be notified that the fees are being re-exhibited and their representations will be treated as a submission on the draft fees.

All other changes to Fees and Charges will apply as of 1 October 2020.

## **CONSULTATION**

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

- A dedicated Your Say page, including all documents.
- Social media.
- Providing short summaries of the draft Operational Plan for different localities across the Northern Beaches.
- Bulk emails to over 20,000 residents on our Community Engagement Register.

Due to the public safety measures in response to the pandemic information sessions will be conducted on-line.

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

## **TIMING**

The draft documents will be exhibited for a minimum of 28 days. A summary of the submissions received along with revised Delivery Program, Operational Plan and Fees and Charges will be presented to Council on 23 June 2020 for consideration.

## **LINK TO STRATEGY**

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

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

## FINANCIAL CONSIDERATIONS

The 2020/21 budget projects a total expenditure of \$433 million, including a capital works program of \$92 million. Our financial result will be temporarily impacted by the financial implications of the COVID-19 pandemic, with a projected operating deficit before capital grants and contributions of \$6.8 million. With a forecast deficit position, the Council will not achieve the OLG's benchmark Operating Performance Ratio of greater than 0% in 2020/21.

The 2020/21 budget anticipates the financial impacts of COVID-19 to be \$12.3m, comprising \$5.7m in losses due to closed or impacted services and a \$6.6m support package for small businesses and the community. This report proposes to provide a ratepayer subsidy of 50% of the increase in rates and domestic waste charges (\$4.3 million) and to defer the implementation of the 2020/21 fees to 1 Oct 2020 (\$0.7 million). Should the Council not proceed with these options, the projected deficit would decrease to \$1.8 million.

Additionally, if the Council take up the option to delay issuing rates notices to ratepayers until 1 September 2020, and the due date of the first quarter rates instalment until 30 September 2020 it will defer the collection of the first instalment by approximately \$62 million. This will require Council to utilise funds collected in the fourth instalment of the 2019/20 Rates & Annual Charges in May 2020 to cover this one month deferral. This will have a significant impact on Council's Cash & Investment balances and it is unlikely Council will achieve the OLG's benchmark Current Ratio of 1.5x at this point in time.

The delivery of Council's \$92.3 million capital works program will provide ongoing financial stimulus for our economy and opportunities for local employment on the Northern Beaches as we recover from the pandemic. This includes investing \$41.5 million in asset renewal to improve the overall condition of our assets and a further \$50.8 million in delivering high priority new assets to the community. The Council is anticipated to meet the OLG's benchmark Buildings and Infrastructure Renewals Ratio of greater than or equal to 100% of depreciation.

## SOCIAL CONSIDERATIONS

The Delivery Program and Operational Plan include initiatives aimed at creating a safer and more inclusive and connected community. This includes additional measures to lessen the impact of the pandemic on our community and local businesses enabling our economy to bounce back as restrictions ease.

## ENVIRONMENTAL CONSIDERATIONS

The Delivery Program and Operational Plan include initiatives aimed at protecting the environment and improving the environmental sustainability of the Northern Beaches.

## GOVERNANCE AND RISK CONSIDERATIONS

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

## 9.0 CORPORATE AND LEGAL DIVISION REPORTS

<b>ITEM 9.1</b>	<b>MONTHLY INVESTMENT REPORT - MARCH 2020</b>
<b>REPORTING MANAGER</b>	<b>CHIEF FINANCIAL OFFICER</b>
<b>TRIM FILE REF</b>	<b>2020/210664</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### SUMMARY

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#### PURPOSE

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

#### EXECUTIVE SUMMARY

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

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

The Investment Report shows that Council has total cash and investments of \$190,792,653 comprising:

- Trading Accounts           \$4,633,423.
- Investments                 \$186,159,230.

Performance over the period from 1 July 2019 to date was strong having exceeded the benchmark 2.07%pa vs. 1.57%pa.

#### Certification – Responsible Accounting Officer

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

#### LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

#### FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2019 to date was \$3,182,842 compared to budgeted income of \$4,171,077, a negative variance of \$988,235.

#### SOCIAL CONSIDERATIONS

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

## **ENVIRONMENTAL CONSIDERATIONS**

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

## **GOVERNANCE AND RISK CONSIDERATIONS**

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

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

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

That Council receives and notes the Investment Report as at 31 March 2020, including the certification by the Responsible Accounting Officer.

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**REPORT**

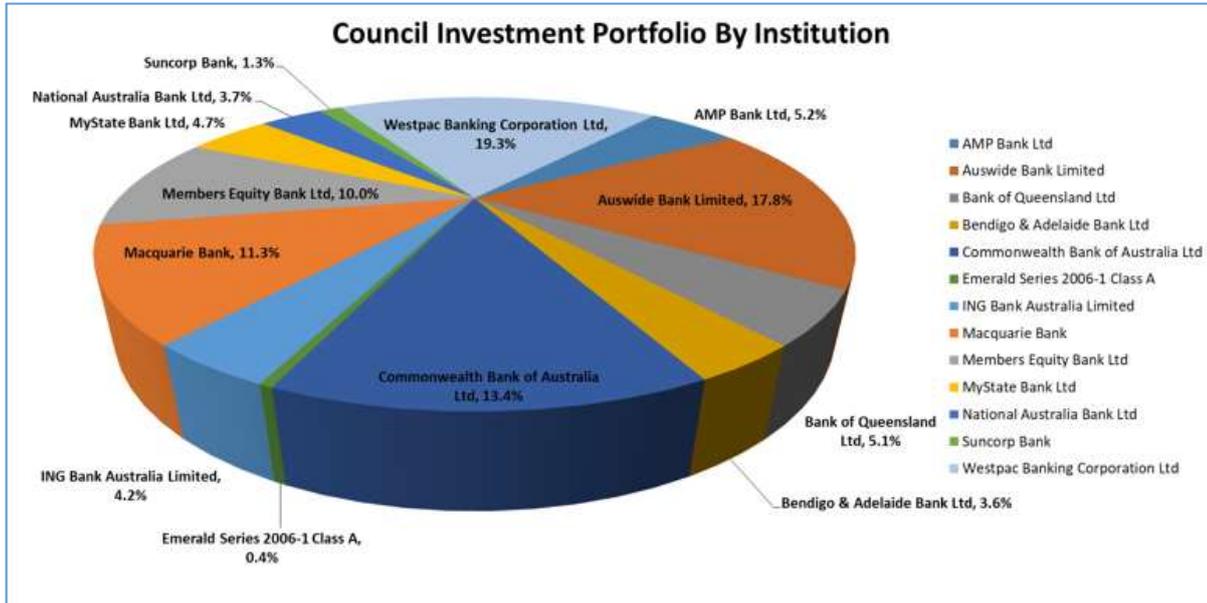
**INVESTMENT BALANCES**

<b>INVESTMENT BALANCES</b>				
As at 31-Mar-2020				
<b>INSTITUTION</b>	<b>RATING</b>	<b>AMOUNT \$</b>	<b>MATURITY DATE</b>	<b>INTEREST RATE</b>
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	3,256,359		0.30%
National Australia Bank Ltd	A1+	<u>13,867</u>		0.25%
		<b>3,270,226</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	<u>1,868,049</u>	At Call	1.10%
		<b>1,868,049</b>		
<b>Mortgage Backed Securities</b>				
Emerald Series 2006-1 Class A	AAA	<u>819,827</u>	21-Aug-51	1.3548%
		<b>819,827</b>		
<b>Term Deposits</b>				
Macquarie Bank	A1	3,000,000	02-Apr-20	1.80%
MyState Bank Ltd	A2	2,000,000	02-Apr-20	1.80%
Westpac Banking Corporation Ltd	A1+	3,000,000	07-Apr-20	2.10%
MyState Bank Ltd	A2	2,000,000	07-Apr-20	1.65%
Westpac Banking Corporation Ltd	A1+	2,000,000	14-Apr-20	2.10%
National Australia Bank Ltd	A1+	2,000,000	16-Apr-20	1.70%
Westpac Banking Corporation Ltd	A1+	2,000,000	21-Apr-20	1.78%
Bank of Queensland Ltd	A2	1,000,000	23-Apr-20	1.65%
Members Equity Bank Ltd	A2	3,000,000	28-Apr-20	1.65%
Auswide Bank Limited	A2	2,000,000	30-Apr-20	1.75%
MyState Bank Ltd	A2	3,000,000	05-May-20	1.65%
Westpac Banking Corporation Ltd	A1+	3,000,000	07-May-20	2.10%
Westpac Banking Corporation Ltd	A1+	2,000,000	12-May-20	2.10%
National Australia Bank Ltd	A1+	3,000,000	14-May-20	1.70%
AMP Bank Ltd	A2	2,000,000	14-May-20	1.90%
AMP Bank Ltd	A2	2,000,000	14-May-20	1.90%
Westpac Banking Corporation Ltd	A1+	2,000,000	19-May-20	1.78%
Members Equity Bank Ltd	A2	3,000,000	26-May-20	1.65%
Bank of Queensland Ltd	A2	2,000,000	28-May-20	1.65%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	28-May-20	1.60%
Bank of Queensland Ltd	A2	2,000,000	02-Jun-20	1.65%
Members Equity Bank Ltd	A2	3,000,000	04-Jun-20	1.60%
Members Equity Bank Ltd	A2	2,000,000	09-Jun-20	1.60%
MyState Bank Ltd	A2	2,000,000	11-Jun-20	1.65%
Members Equity Bank Ltd	A2	2,000,000	16-Jun-20	1.60%
Members Equity Bank Ltd	A2	1,000,000	23-Jun-20	1.60%
Westpac Banking Corporation Ltd	A1+	4,000,000	23-Jun-20	2.50%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	23-Jun-20	1.60%
Members Equity Bank Ltd	A2	2,000,000	25-Jun-20	1.60%
Macquarie Bank	A1	2,000,000	29-Jun-20	1.75%
Westpac Banking Corporation Ltd	A1+	2,000,000	02-Jul-20	1.70%
Westpac Banking Corporation Ltd	A1+	3,000,000	02-Jul-20	2.50%
Macquarie Bank	A1	2,000,000	07-Jul-20	1.75%

<b>INVESTMENT BALANCES</b>				
As at 31-Mar-2020				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Term Deposits (continued)</b>				
Auswide Bank Limited	A2	2,000,000	07-Jul-20	1.65%
Members Equity Bank Ltd	A2	1,000,000	07-Jul-20	1.60%
Westpac Banking Corporation Ltd	A1+	3,000,000	10-Jul-20	2.55%
Bank of Queensland Ltd	A2	2,000,000	16-Jul-20	1.65%
Westpac Banking Corporation Ltd	A1+	3,000,000	24-Jul-20	2.25%
Auswide Bank Limited	A2	2,000,000	04-Aug-20	1.65%
Westpac Banking Corporation Ltd	A1+	2,000,000	04-Aug-20	1.70%
Macquarie Bank	A1	2,000,000	06-Aug-20	1.70%
Auswide Bank Limited	A2	2,000,000	11-Aug-20	1.72%
Macquarie Bank	A1	2,000,000	13-Aug-20	1.70%
AMP Bank Ltd	A2	2,000,000	18-Aug-20	1.65%
Bank of Queensland Ltd	A2	1,000,000	20-Aug-20	1.60%
Auswide Bank Limited	A2	2,500,000	27-Aug-20	1.65%
ING Bank Australia Limited	A1	2,000,000	27-Aug-20	1.65%
Macquarie Bank	A1	3,000,000	01-Sep-20	1.70%
Westpac Banking Corporation Ltd	A1+	2,000,000	03-Sep-20	1.70%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	08-Sep-20	1.60%
Macquarie Bank	A1	2,000,000	15-Sep-20	1.65%
AMP Bank Ltd	A2	1,500,000	15-Sep-20	1.70%
Members Equity Bank Ltd	A2	2,000,000	17-Sep-20	1.60%
Macquarie Bank	A1	3,000,000	17-Sep-20	1.70%
ING Bank Australia Limited	A1	2,000,000	22-Oct-20	1.60%
Auswide Bank Limited	A2	2,000,000	10-Nov-20	1.60%
Auswide Bank Limited	A2	2,000,000	12-Nov-20	1.72%
Auswide Bank Limited	A2	2,000,000	24-Nov-20	1.70%
Auswide Bank Limited	A2	2,000,000	26-Nov-20	1.70%
Auswide Bank Limited	A2	2,000,000	03-Dec-20	1.65%
Auswide Bank Limited	A2	3,000,000	05-Jan-21	1.65%
ING Bank Australia Limited	A1	2,000,000	14-Jan-21	1.65%
ING Bank Australia Limited	A1	2,000,000	19-Jan-21	1.65%
Auswide Bank Limited	A2	1,000,000	04-Feb-21	1.65%
Auswide Bank Limited	A2	2,000,000	11-Feb-21	1.72%
Auswide Bank Limited	A2	2,500,000	23-Feb-21	1.65%
Auswide Bank Limited	A2	2,000,000	25-Feb-21	1.65%
		<b>144,500,000</b>		

<b>INVESTMENT BALANCES</b>				
As at 31-Mar-2020				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Kimbriki Environmental Enterprises Pty Ltd</b>				
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	1,363,198		0.00%
		<b>1,363,198</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	319,636	At Call	0.10%
Commonwealth Bank of Australia Ltd	A1+	1,000,979	At Call	0.20%
		<b>1,320,615</b>		
<b>Term Deposits</b>				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	28-Apr-20	1.42%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	18-May-20	1.44%
Commonwealth Bank of Australia Ltd	A1+	9,850,738	28-May-20	1.44%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	26-Jun-20	1.43%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	29-Jun-20	1.44%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	13-Jul-20	1.44%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	28-Aug-20	0.92%
		<b>17,850,738</b>		
<b>New Council Implementation Fund</b>				
<b>Term Deposits</b>				
AMP Bank Ltd	A2	900,000	21-May-20	1.90%
		<b>900,000</b>		
<b>Stronger Communities Fund</b>				
<b>Term Deposits</b>				
Westpac Banking Corporation Ltd	A1+	900,000	12-May-20	1.70%
AMP Bank Ltd	A2	1,500,000	18-Jun-20	1.80%
		<b>2,400,000</b>		
<b>Stronger Communities Fund Round 2</b>				
<b>Term Deposits</b>				
National Australia Bank Ltd	A1+	2,000,000	09-Apr-20	2.50%
Suncorp Bank	A1	750,000	23-Apr-20	1.63%
Suncorp Bank	A1	1,750,000	21-May-20	1.63%
Westpac Banking Corporation Ltd	A1+	1,000,000	18-Jun-20	1.78%
Bank of Queensland Ltd	A2	1,700,000	14-Jul-20	1.65%
Westpac Banking Corporation Ltd	A1+	2,000,000	17-Jul-20	2.25%
Bendigo & Adelaide Bank Ltd	A2	1,800,000	21-Jul-20	1.60%
Auswide Bank Limited	A2	1,000,000	06-Aug-20	1.72%
Auswide Bank Limited	A2	2,000,000	25-Aug-20	1.65%
Macquarie Bank	A1	2,500,000	10-Sep-20	1.70%
		<b>16,500,000</b>		
<b>Total Cash and Investments</b>		<b>190,792,653</b>		

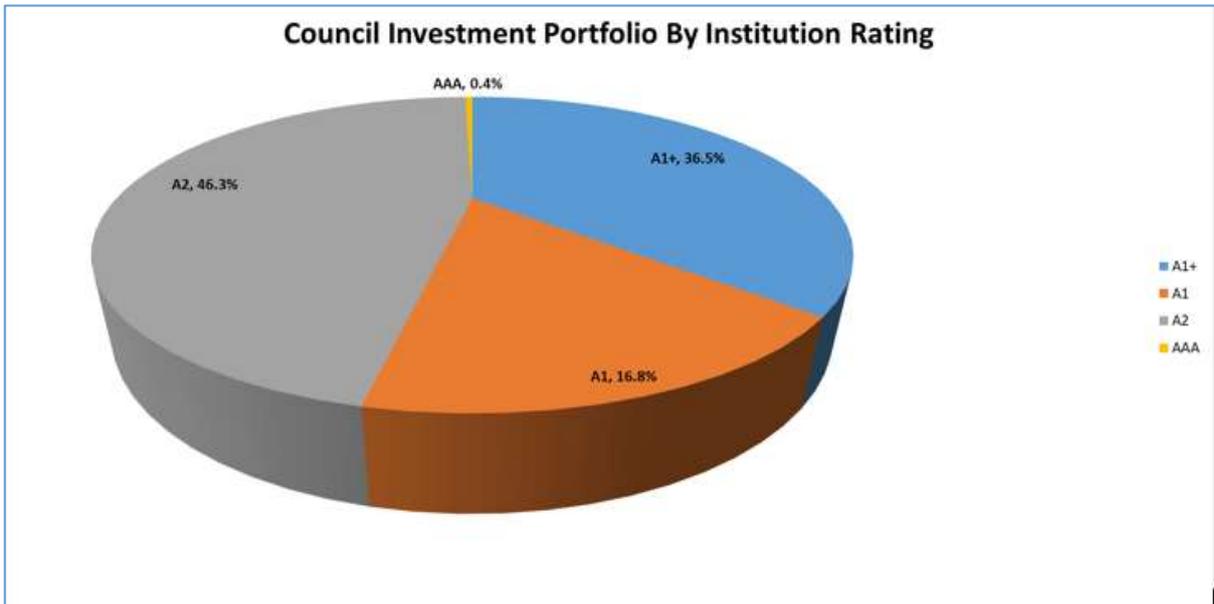
**PORTFOLIO ANALYSIS**



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

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

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



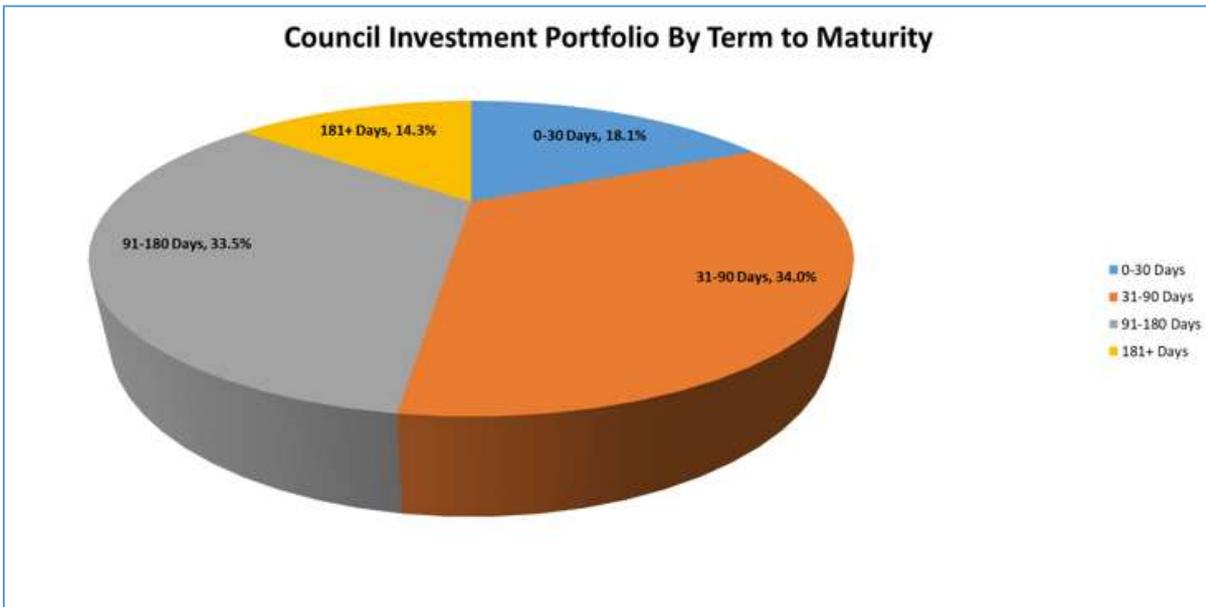
### Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

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

\* Or Moody's / Fitch equivalents

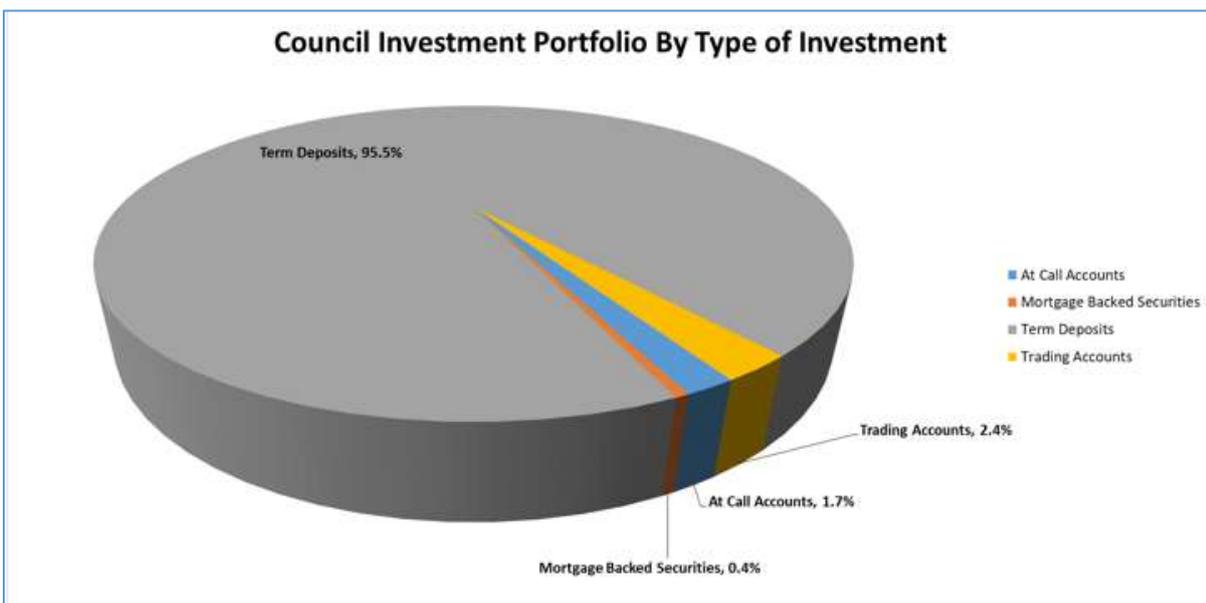
\*\* Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities



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

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

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

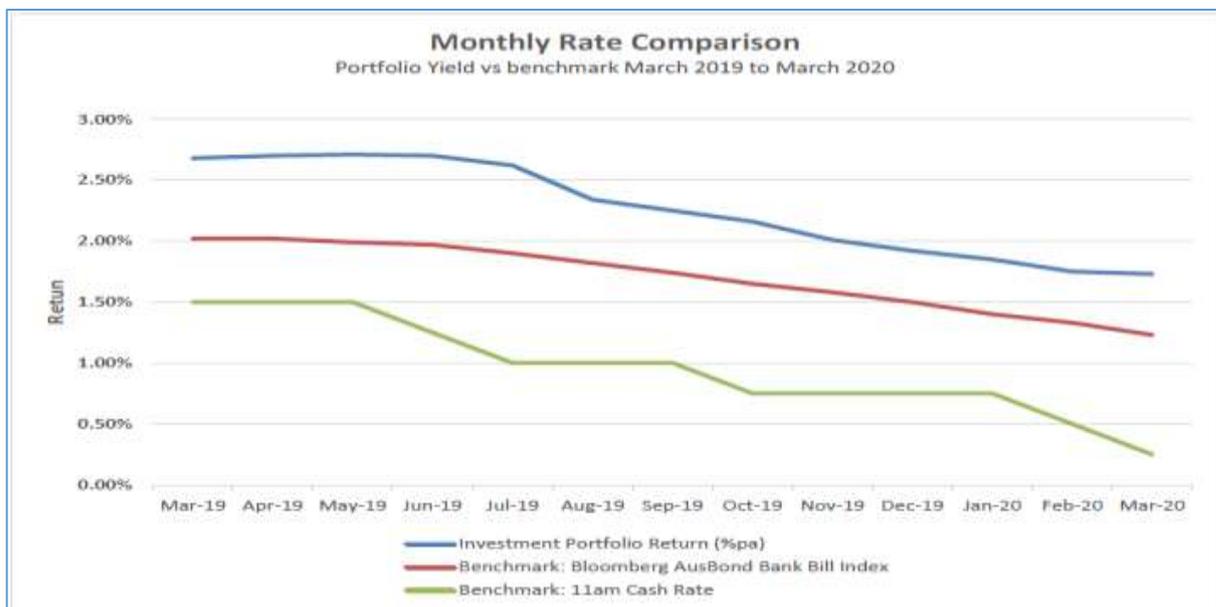


## INVESTMENT PERFORMANCE VS. BENCHMARK

	Investment Portfolio Return (%pa)*	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	1.73%	1.23%	0.25%
3 Months	1.78%	1.32%	0.50%
6 Months	1.90%	1.45%	0.63%
FYTD	2.07%	1.57%	0.75%
12 Months	2.22%	1.68%	0.92%

\* Excludes trading account balances

\*\* This benchmark relates to Cash Fund holdings

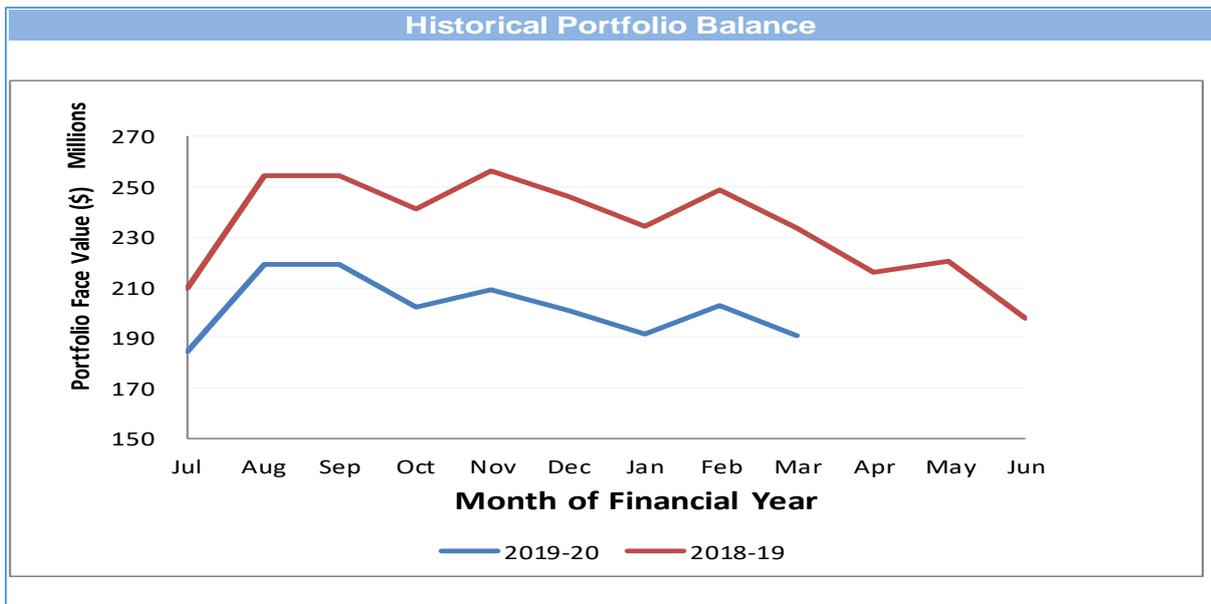


## MONTHLY INVESTMENT INCOME\* VS. BUDGET

	Mar 2020 \$	Year to Date \$
Investment Income	289,999	3,171,422
Adjustment for Fair Value	(1)	11,420
Total Investment Income	289,998	3,182,842
Budgeted Income	426,000	4,171,077

\*Includes all cash and investment holdings

Historical Portfolio Balance		
	2019-20	2018-19
Jul	184,317,848	209,605,515
Aug	219,369,559	254,510,268
Sep	219,459,189	254,769,836
Oct	201,971,383	240,996,644
Nov	209,221,468	256,137,875
Dec	200,959,271	246,453,069
Jan	191,226,461	234,499,949
Feb	202,672,569	249,011,046
Mar	190,792,653	233,537,191
Apr		215,948,342
May		220,652,093
Jun		198,030,610
<b>Average Portfolio Balance</b>	<b>202,221,156</b>	<b>234,512,703</b>



**Statement of Compliance**

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

**Investment Policy Compliance**

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

## ECONOMIC NOTES

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

Most economic readings released over the past month reflect a pre- COVID-19 world showing moderate to improving economic activity in January and February. One exception is China, the first country to experience COVID-19 and the lock-downs associated with it to contain the spread of the virus and seemingly the first country to reduce the infection rate to the point of allowing limited reduction of lockdown restrictions.

The economic reports from China for February when the lock-down was most extreme show an over-the-cliff reduction in economic activity. Fixed asset investment spending rising at an annual rate of 5.4% year-on-year in January fell 24.5% in February. Industrial production rising 6.9% year-on-year in January fell 13.5% in February and retail sales up 8.0% year-on-year in January fell 21.1% in February. Exports up 7.9% year-on-year in January fell 17.2% year-on-year in February. Some of the many businesses closed in China during February were allowed to start operating again in March and barring a secondary resurgence of COVID-19 infections in China, something that occurred more often than not in previous global pandemics, China's economy might continue to open up for business in a series of stages over the next few months.

The economic experience with COVID-19 in China, however, may not provide a template for what happens elsewhere. The onset of the sharp rise in infections was later in the Europe and the US starting in late February and the start of lock-down quarantining measures was not as timely as in China, was more piecemeal and was not as draconian. As a result, infection rates in the Europe and the US are rising above those experienced in China and a peak in infection rate is yet to be achieved.

Very big increases in unemployment are likely to start showing in March readings and beyond in the Europe and the US. The Europe February reading fell to at a decade low 7.3%. When the March report is released in late April the figure will jump higher. In the US, March non-farm payrolls dropped 701,000 after back-to-back strong monthly increases of 273,000 in both January and February. The latest weekly initial jobless claims travelling between 200,000 and 283,000 over recent months jumped by 3,000,000 to 3,283,000 an early sign of the huge rise in the US unemployment rate that lies ahead. In February, the last of the pre- COVID-19 months the unemployment rate was at a 50-year low 3.5% rising to 4.4% in March.

The measures announced in Europe and the US run to trillions of dollars and the additional government borrowings necessary to fund the measures are backstopped by central bank purchases of bonds through extended quantitative easing (QE) programs. The US Federal Reserve has announced that its QE is unlimited meaning that barring the constraint of the political process the US can continue to provide additional support for households and businesses if needed beyond what has been announced.

In Australia, data releases over the past month still relate to January and February before the cumulative introduction of shutdowns and quarantining restrictions in March. The nuances of the Australian experience with COVID-19 are mostly positive compared with the US and Europe. At this stage, the infection rate and mortality rate are lower and achieved with less extensive restrictions than have needed to be imposed in the US and Europe.

Our first key economic report to reflect COVID-19 impact is likely to be the March labour force report due mid-April. In February, employment growth was still strong, up 26,700 and the unemployment rate fell to 5.1% from 5.3% in January. In March the unemployment rate will lift sharply and will quickly rise beyond to 10% or more. Everyone who is unemployed and registered for benefits will receive the \$550 a fortnight New Start supplement (doubling the existing benefit). It is also likely that some who have been stood down will receive additional income support from their employer in an additional benefit to businesses to be announced later this week.

## 12.0 PLANNING AND PLACE DIVISION REPORTS

<b>ITEM 12.1</b>	<b>PLANNING PROPOSAL FOR FRESHWATER VILLAGE CARPARK</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC &amp; PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2019/558861</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒ Gateway Determination - 23 September 2020 (Included In Attachments Booklet)</a></b> <b>2 <a href="#">⇒ Practice Note - PN 16-001 Classification and Reclassification of Public Land Through - LEP (Included In Attachments Booklet)</a></b> <b>3 <a href="#">⇒ Freshwater Carparks Reclassification Public Hearing Report Final - 24 March 2020 (Included In Attachments Booklet)</a></b> <b>4 <a href="#">⇒ Planning Proposal - Freshwater Village Reclassification and Rezoning - April 2020 (Included In Attachments Booklet)</a></b>

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### SUMMARY

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#### PURPOSE

The purpose of the report is to present to Council the Public Hearing Report Prepared by Parkland Planners, on the Reclassification of Community Land to Operational Land at Oliver Street and Lawrence Street Carparks, Freshwater.

In addition, this report seeks approval from Council to submit the Planning Proposal to the Department of Planning, Industry and Environment (the Department) to amend the Warringah Local Environmental Plan 2011 (WLEP 2011) to rezone, reclassify and add a height limit to the Oliver Street and Lawrence Street Carparks in Freshwater Village.

#### EXECUTIVE SUMMARY

Oliver Street and Lawrence Street carparks in Freshwater Village provides car parking for local residents visiting the town centre. The carparks are classified as 'Community Land' under the Local Government Act 1993 (LGA 1993), which prevents Council from granting a lease or a license to Lawrence Street landowners for vehicular access to the rear of their properties via the carpark.

The reclassification of the carparks from 'Community' to 'Operational' land will:

- permit owners of retail, commercial and residential premises fronting Lawrence Street to obtain legal access to their land from Council's carparks for unloading and parking etc.
- enable the gradual removal of driveway crossings on Lawrence Street upon redevelopment of existing shops allowing vehicular access to be gained from the carparks, which will improve pedestrian safety and amenity on Lawrence Street.

Council received a Gateway Determination from the Department of Planning, Industry and Environment on 23 September 2019 to proceed with the Planning Proposal (refer to Attachment 1). The Planning Proposal intends to reclassify Oliver Street Carpark and Lawrence Street Carparks in Freshwater Village from 'Community Land' to 'Operational Land' under the Local Government Act 1993; rezone the carparks from RE1 Public Recreation to SP2 Infrastructure (Carpark), and to adopt a three metre maximum building height control over the land.

The carparks have no current recreational or open space value. Re-zoning to SP2 Infrastructure (Carpark) will reflect the current use and purpose for which the space is used and restrict the development of the site for other purposes.

The Planning Proposal was placed on statutory public exhibition from Saturday 23 November 2019 until Sunday 2 February 2020. A Public Hearing was held on 26 February 2020 at Harbord Literary Institute as per Schedule 1, Part 1, Division 1, Clause 4 of the Environmental Planning and Assessment Act 1979 and Section 29 of the Local Government Act 1993. Refer to the Local Environmental Plan Practice Note 16-0001 in Attachment 2 for information on the reclassification of land.

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

That Council:

1. Endorse the recommendation of the Independent Public Hearing Report prepared by Parkland Planners on the Reclassification of the Oliver Street and Lawrence Street Carparks, Freshwater from 'Community Land' to 'Operational Land' under the Local Government Act 1993.
  2. Submit the Planning Proposal to the Department of Planning, Infrastructure and Environment, for the Minister of Planning or his delegate to finalise the amendment of the Warringah Local Environmental Plan 2011 to reclassify Council owned land parcels in Oliver Street and Lawrence Street carparks, Freshwater, from 'Community' to 'Operational Land' under the Local Government Act 1993; rezone the carparks from RE1 Public Recreation to SP2 Infrastructure (Carpark); and adopt a 3 metre maximum building height control over the land.
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**REPORT**

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**BACKGROUND**

The North District Plan and the Northern Beaches Local Strategic Planning Statement *Towards 2040* identifies Freshwater as a local centre. Freshwater Village is a mixed-use centre with a range of local businesses, residential and cultural significance including local heritage items and proximity to Freshwater Beach. Lawrence Street is the main road that runs through the village and Oliver Street intersects Lawrence Street and bypasses the village.

The Council-owned Oliver Street and Lawrence Street carparks in Freshwater Village provide car parking for local residents visiting the centre.

Lots and Deposited Plans

The Planning Proposal is to reclassify and rezone the following Lots and Deposited Plans (DP) as per the table below.

Property Details	Address	Action	Owner
Lot 2 DP 517620	Lot 2/ Oliver Street FRESHWATER	Reclassify, rezone, height control	Northern Beaches Council
Lot 1 DP 580780	Lot 2/ Oliver Street FRESHWATER	Reclassify, rezone, height control	Northern Beaches Council
Lot 1 DP 581226	Lot 2/ Oliver Street FRESHWATER	Reclassify, rezone, height control	Northern Beaches Council
Lot 1 DP 539445	Lot 2/ Oliver Street FRESHWATER	Reclassify, rezone, height control	Northern Beaches Council
Lot 1 DP 539444	Lot 2/ Oliver Street FRESHWATER	Reclassify, rezone, height control	Northern Beaches Council
Lot 7315 DP 1151796	Lot 7315/1151796 Lawrence Street FRESHWATER	Rezone, height control	Department of Crown Lands
Lot 201 DP 579893	Lot 201/ Lawrence Street FRESHWATER	Reclassify, rezone, height control	Northern Beaches Council

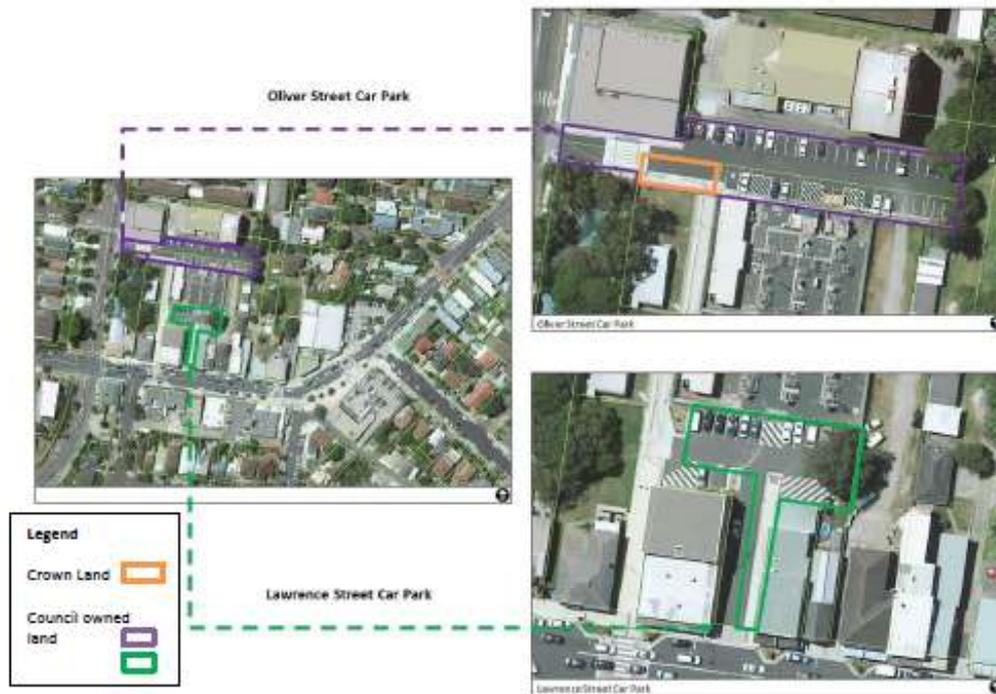


Figure 1: Subject sites – Oliver Street and Lawrence Street Carparks, Freshwater.

The carparks are currently classified as ‘Community Land’ under the LGA 1993. Community Land prevents the use of the land for private purposes. Council is therefore proposing to reclassify the land to ‘Operational’ Land.

With the commencement of the Local Government Act 1993, Councils had 12 months to classify public land as either ‘Community’ or ‘Operational’ Land. Council owned land not classified within 12 months of the implementation of the Local Government Act 1993 were automatically classified Community Land. A number of carparks, including Oliver Street and Lawrence Street carparks, were classified Community Land.

A series of resolutions about the carparks by the former Warringah Council followed:

- 24 May 1994 - Council resolved to give public notice of its intention to reclassify both Oliver Street and Lawrence Street carparks to Operational Land. Proposed reclassification was exhibited for 28 days.
- 28 June 1994 - Council considered a report on the public exhibition and resolved to classify parcels of Council owned land, including Oliver Street and Lawrence Street Carparks, as Operational.
- 9 December 1997 - report to Council after advice was received from the Department of Local Government questioning the validity of the process of land classification undertaken by Council in 1994. Council resolved to undertake consultation as part of the reclassification process.
- 22 February 2000 – report to Council recommended reclassification of land to Operational in accordance with a report prepared by an external consultant. Council resolved not to pursue due to community concerns expressed at the time about the potential sale of a community asset.

- 14 July 2009 - report to Council seeking to reclassification and rezoning of the Oliver Street Carpark. Council resolved to undertake community consultation, including a resident information session.
- 24 November 2009 - Council resolved to establish a Freshwater Village Working Party (FVWP) to consider issues relating to planning and reclassification of the carparks. The FVWP would report to Council to make recommendations. The first meeting of FVWP was held in February 2010.
- 27 April 2010 – report to Council recommending reclassification of carparks. A Notice of Motion was carried requiring further consultation with FVWP before rezoning and reclassification considered.
- 22 June 2010 – Council resolved to engage independent consultants to prepare a site specific DCP for Freshwater Village.
- 22 February 2011 – Council resolved to defer work on the DCP until a decision from the Land and Environment Court was handed down regarding a development application for 91 units over 8 lots in the Village.
- 26 July 2011 – Council considered a request from FVWP to fund feasibility assessment of a new road from Oliver Street to Moore Road through the Oliver Street Carpark and 7 private properties. No resolution was made on the matter.
- 14 February 2012 - Council resolved to place the Freshwater Village DCP on public exhibition.
- 22 May 2012 - Council resolved to adopt the Freshwater Village DCP.
- 25 March 2014 - Council resolved to rezone a number of carparks in the Council area from Public Recreation to business zones and prepare planning reports to consult with the community about potential reclassification of a number of carparks including the Oliver and Lawrence Street Carparks to Operational land and to rezone these carparks to reflect the surrounding land use.
- 28 July until 26 August 2018 - Council publicly exhibited (non-statutory) a report and frequently asked questions regarding the reclassification of Oliver Street carpark and Lawrence Street carpark from 'Community Land' to 'Operational Land' under the Local Government Act 1993 and to rezone the carparks from RE1 – Public Recreation to B2 – Local Centre.

After the (non statutory) exhibition period it was decided that the land should be rezoned to SP2 Infrastructure (Carpark) and a restrictive 3 metre height control be applied in response to community concerns regarding the potential sale of the land and redevelopment of the site. Council resolution of 27 November 2018.

The objectives of SP2 Infrastructure under Warringah Local Environmental Plan 2011 are:

*['to provide for infrastructure and related uses' and 'to prevent development that is not compatible with or that may detract from the provision of infrastructure'].*

The LEP objectives support Council's desired outcome for the carparks.

- 4 December 2018 – Council referred the draft Planning Proposal to the Department of Planning, Industry and Environment for gateway determination.
- 23 September 2019 - Council received Gateway Determination for the Planning Proposal from the Department of Planning, Industry and Environment.

- 23 November 2019 until 2 February 2020 - The Planning Proposal placed on statutory public exhibition.
- 5 February 2020 - Public Notice placed in the Manly Daily notifying the community of the Public Hearing.
- 26 February 2020 - The Public Hearing was held at Harbord Literary Institute and Chaired by the independent consultant Parkland Planners.

### **Crown Land Lot 7315 DP 1151796 Lawrence Street Freshwater**

Council is the Crown land manager of Lot 7315 DP 1151796 Lawrence Street Freshwater. Classification of Crown Land is a separate process to reclassifying Council owned land. An application is made to the Minister of Crown Land seeking ministerial consent to classify and manage Crown land as if it were operational land under the Local Government Act 1993, in accordance with Section 3.22 (4)(b) of the Crown Land Management Act 2016. Council staff are currently preparing the application to classify Lot 7315 DP 1151796 Lawrence Street Freshwater to Operational.

#### **Context**

Freshwater Village is a predominantly low scale village with retail, commercial and residential land use focused around Lawrence Street. Limited on-street parking is available and the Oliver Street and Lawrence Street Carparks provide additional parking options for shoppers and visitors to the village (see Figure 1).

The village is zoned B2 – Local Centre, with the exception of the Oliver Street Carpark and the Lawrence Street Carpark which are zoned RE1 – Public Recreation under Warringah LEP 2011. The carparks are classified as ‘Community Land’ under the Local Government Act 1993.

Vehicular access from the carparks to land fronting Lawrence Street is generally not granted via a license due to the classification of the carparks as ‘Community Land’ under the Local Government Act 1993. Such vehicular access is however preferred to reduce pedestrian and vehicular conflicts at driveway crossings in Lawrence Street.

The reclassification of the carparks from ‘Community’ to ‘Operational’ Land would:

- permit owners of buildings fronting Lawrence Street to obtain legal access to their land from Council’s carparks for unloading and parking etc.
- enable the gradual removal of driveway crossings on Lawrence Street as the shops are redeveloped with vehicular access from the carparks, improving pedestrian safety and amenity on Lawrence Street.



Figure 2: Current and Proposed Rezoning of Oliver Street and Lawrence Street Carparks.



Figure 3: Current and Proposed Height of Building



Figure 4: Current and proposed reclassification of Council Community Land

## Consultation

This report is to inform Council of the findings of the statutory public exhibition period and the recommendation of the Independent Public Hearing Report on the reclassification of Oliver Street and Lawrence Street Carparks, Freshwater from 'Community Land' to 'Operational Land'. In addition, the report seeks Council approval to continue the process to amend the Warringah Local Environmental Plan 2011 to reclassify Council owned land from Community to Operational Land at Oliver Street and Lawrence Street Carparks; rezone this land from RE1 Public Recreation to SP2 Infrastructure (Carparks) and apply an inclusion of height of building of 3 metres.

The Planning Proposal and related documentation were exhibited from Saturday 23 November 2019 to Sunday 2 February 2020. The exhibition material included:

- Manly Daily Advertisement in Councils 'Have Your Say'.
- Council's 'Have Your Say' web page.
- Email to registered community members who have registered their interest in the proposal.
- An email sent to 204 adjoining local residents, businesses and landowners.
- Seventy seven (77) letters sent to adjoining local residents, businesses and landowners who email addresses are not held by Council.
- Hard copies of the Planning Proposal placed at Council Customer Service Centres of Manly, Dee Why and Mona Vale.
- Three signs advertising the public exhibition of the Planning Proposal were placed in the Oliver Street and Lawrence Street Carparks.

### Submission Summary

A total of eleven submissions were received by Council during the statutory public exhibition period from Saturday 23 November 2019 to Sunday 2 February 2020.

Four submissions were in favour of the Planning Proposal, two were outright objections and the remaining five submissions raised questions/issues about:

- The decrease in parking.
- Increase in traffic through Oliver Street carpark.
- The loss of Community Land throughout the local government area.
- The effect on Right of Way (Lawrence Street carpark).

Issue Raised	Issue Raised in No. of submissions	Council Response
Benefit and Support of the Planning Proposal	4	Noted.
Reclassification of the Oliver Street and Lawrence Street carparks will allow vehicle access to private properties and increase traffic through Oliver Street carpark. This will have a negative impact on pedestrian safety.	1	Whilst the proposal could result in an increase in vehicular movements in the two carparks, the overall increase is likely to be small. The movement of vehicles in a carpark context is considered a better and safer outcome than the retention or increase in driveway crossings in Lawrence Street.
Loss of parking spaces due to residents of the new developments and their visitors parking in the Council carpark and change in parking limits and introducing parking fees.	4	The carpark will remain for the use of the public. However, it will allow leases to be put in place for shop owners to access their properties and private carpark from the Oliver Street carpark. It is noted that No.15 Lawrence Street had a longstanding agreement with Council for access through the Oliver Street carpark.
Objection to rezoning and reclassification of Community Land as Council will sell the carparks once they have been reclassified to Operational Land.	2	Council is not selling the carparks. Council is aware that the carparks are needed by the community and any future sale of the land would require a resolution from Council. Rezoning the land to SP2 – Infrastructure (carpark) and creating a height limit of 3 metres will severely restrict the development potential of the site. Any use of the site for uses other than carparking would require a further rezoning.
Removal of the connecting road between Lawrence Street and Oliver Street carparks.	1	The connecting road between Lawrence Street and Oliver Street carparks will remain as is. There is no plan for Council to close this road.

Reclassification of the carpark will increase the land value of adjoining privately owned land with no public benefit.	2	Noted.
Reinstate the Pedestrian Link between the Oliver Street Carpark and the Uniting Church in Marmora Street via the rear of 9-15 Lawrence Street.	1	Noted but outside of the scope of the Planning Proposal. This issue relates to an approved development application.
Withdrawal of the development application modification for 9-15 Lawrence Street Freshwater – to modify the vehicle entry/exit from Lawrence Street to Oliver Street carpark.	2	Noted. This is not a relevant matter for the Planning Proposal and reclassification.
The Planning Proposal will affect Our Right of Way (RoW) of my property.	1	Noted.  The rezoning and reclassification of Community Land and the inclusion of a 3 metre height limit will have no effect on the RoW on the property title.  An email was sent to the landowner in question responding to their concerns about the effect that the rezoning and reclassification will have on their RoW.
Reclassification of Community Land to Operational Land will lead to an overall decrease of community land throughout the Local Government Area.	2	On balance it is believed the long term benefit to the community of reducing vehicular crossings in Lawrence Street is worthwhile.

On 19 March 2020, Friends of Freshwater wrote to Council to formally advise that they are no longer supportive of the rezoning and reclassification Planning Proposal. They believe that the opportunity to improve traffic and pedestrian safety on Lawrence Street has been lost due to the lengthy timeframe associated with the rezoning process. Their support of the Planning Proposal was on the basis of gaining these outcomes.

### **Council Internal Submissions**

#### **Property Business Unit**

The Property Team has no concerns with the rezoning and reclassification of these parcels of land, however a query was raised as to the status of the rear portion of Lot 374, which the carpark traverses over, but which does not appear to form part of this Planning Proposal, and remains as RE1 zoned, and classified as “community”.

If the portion of Lot 374 retains its current classification and zoning, this could lead to future difficulties when preparing easements for Rights of Carriageway for private use over the carpark. In general, easements of this nature over “community” classified land are not permitted under Part 2, Division 2, Section 46 & 47 of the Local Government Act 1993.

See Figure 1 and Figure 5 below for the location of Lot 374 Harbord Literary Institute. The rear of Lot 374 forms part of the Oliver Street Carpark entrance.

### Strategic & Place Planning Response

A small section of Lot 374 in DP 752038 (Lot 374) forms part of the driveway entry/exit to the Oliver Street carpark. Unfortunately the relevant section Lot 374 was not included in the current Planning Proposal. The omission will be addressed and rectified via the following actions:

1. The relevant section of Lot 374 will be excised for the purpose of public road widening under the Roads Act 1993. This will involve the relevant section of Lot 374 being surveyed, registered and dedicated for the purpose of a public road.
2. The zoning and classification of the relevant section of Lot 374 will be addressed and rectified during the preparation of the Northern Beaches Local Environmental Plan, in which the relevant part of Lot 374 will be rezoned SP2 (Carpark) and reclassified from 'Community' to 'Operational' land



Figure 5: Lot 374 DP 752038 – Harbord Literary Institute that is part of the driveway entrance to Oliver Street Carpark.

### Transport Business Unit

Right of Way is required over the rear of Lot 374 DP 752038 of the Childcare Centre or alternatively the portion of land should be subdivided to provide certainty of access over car park entry.

The Transport team has raised concerns about the use of the car park by service vehicles due to limited turning availability and conflicts with children accessing the community centre, childcare centre and carpark.

Future redevelopment of properties accessing the carpark will need to consider and address how heavy vehicles access the area due to the narrow width of the laneway servicing the carpark.

The current entry/exit is too narrow and will need to be widened to accommodate 2-way access. The likely cost of moving underground utilities (Telstra Manhole) could prohibit the widening that may be several \$100,000's or more (Telstra have mentioned \$1m). Given proximity to telephone exchange, this is a major risk factor. A one-way traffic flow system may be required as an alternative.

Access to the car park from private property is to be legalised through the creation of ROW's.

Any applicant to pay for the benefit should be considered and could be used to fund widening of the entry or other structural changes.

We would not support access from the Telstra site due to the further reduction in parking caused by the creation of access.

### **Strategic & Place Planning Response**

Subsequent consultation with the Transport Business unit has confirmed the preferred approach to establish certainty of access to the Oliver Street carpark is to initiate a road widening (over the relevant section of Lot 347) under the Roads Act 1993.

The issues raised regarding service vehicles and limited space for their manoeuvrability and potential conflicts between pedestrians and vehicle movements were considered and addressed during the assessment of Modification Application 2019/0477 (the modification application) for 9-15 Lawrence Street, Freshwater. The outcome of the assessment was the formulation of a range of conditions and actions targeted at addressing the above concerns and included the realignment and/or widening of the carpark access road and driveway, provision of street lighting throughout the carpark and restrictions on delivery times. The modification application was not finalised as it was withdrawn by the Applicant.

### **Public Hearing to Reclassify Community Land at Oliver Street and Lawrence Street Carparks, Freshwater**

- A. A public notice of the Public Hearing was published in the Manly Daily on Wednesday 5 February 2020 after the conclusion of the statutory public exhibition on Sunday 2 February 2020.
- B. On 3 February 2020:
  - Council's 'Have Your Say' web page was updated notifying the community of the Public hearing, date, time and venue.
  - Email was sent to registered community members who registered their interest in the project.
  - Email was sent to a total of 204 adjoining local residents and businesses/landowners.
  - 77 letters were sent to adjoining local residents and businesses/landowners who have not provided their email address.
  - Signs notifying the public of the public hearing were placed in the Lawrence Street and Oliver Street Carparks.

The Public Hearing was held on Wednesday 26 February 2020 from 6pm to 8pm at the Harbord Literary Institute, Lawrence Street Freshwater. The Public Hearing was Chaired by an independent consultant, Sandy Hoy from Parkland Planners. Sixteen community members attended the public hearing. The Public Hearing Report can be found in Attachment 3.

A summary of the recommendations of the Public Hearing Report prepared by Parkland Planners are detailed below:

*The majority of the community members who attended the Public Hearing were in favour of the Reclassification of Community Land at Oliver Street and Lawrence Street Carparks, Freshwater to Operational Land. The Public Hearing Report has made the following recommendations:*

*Parkland Planners recommendations to Northern Beaches Council regarding the proposed reclassification of Lawrence Street and Oliver Street carparks from community land to operational land are to:*

- *Note that most of the 16 people attending the public hearing supported the proposed reclassification of Lawrence Street and Oliver Street carparks from community land to operational land.*
- *Consider the viewpoints and issues raised in the verbal and written submissions outlined in Section 5 when making the decision whether to proceed with the proposed reclassification.*
- *Reclassify the Lawrence Street and Oliver Street carparks from community to operational.*

#### Distribution of the Public Hearing Report:

Within four days of receiving the Public Hearing Report, Council under Section 47G(3) of the Local Government Act 1993 made a copy of this report available for inspection by the public to:

- The people who attended the public hearing.
- Manly and Warringah Mall Libraries.
- Posted an electronic copy of the public hearing report on Council's website.

#### **TIMING**

The Gateway Determination issued by the Department of Planning, Industry and Environment on 23 September 2019 has instructed Council that the time frame for completing the LEP is to be nine months following the date of the Gateway determination (that is 23 June 2020).

#### **LINK TO COUNCIL STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Environmental Sustainability: Goal 5 – Our built environment is developed in line with best practice sustainability principles. (a) Ensure integrated land use planning balances the environmental, social and economic needs of present and future generations.
- Places and People: Goal 7 – Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community. (b) Provide a mix of high-quality diverse and inclusive housing options supported by sustainable infrastructure.
- Places and People: Goal 8 – Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing. (a) Create welcoming villages and neighbourhood centres that are vibrant, accessible and support our quality of life.
- Transport, Infrastructure and Connectivity: Goal 17 – Our community can safely and efficiently travel within and beyond Northern Beaches. (c) Improve parking options in centres, villages and places.

#### **FINANCIAL CONSIDERATIONS**

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

#### **SOCIAL CONSIDERATIONS**

The Planning Proposal will have no effect on social considerations.

**ENVIRONMENTAL CONSIDERATIONS**

The Planning Proposal will not affect the environment as the subject site is a carpark and there will be no change of use.

**GOVERNANCE AND RISK CONSIDERATIONS**

There is some concern within the community that Council will sell off the Oliver Street and Lawrence Street carparks once they have been reclassified from Community to Operational Land. Council is not selling the carparks. Council is aware that the carparks are needed by the community. Rezoning the land to SP2 – Infrastructure (carpark) and creating a height limit of 3 metres will severely restrict the development potential of the site. Any use of the site for other uses would require a further rezoning.

The process of reclassifying the Oliver Street and Lawrence Street Carparks from Community to Operational Land commenced in 1994. The process to achieve this outcome, has been protracted and there is increasing community frustration in relation to the process.

**ITEM 12.2****OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE PLANNING PROPOSAL AND AMENDMENT TO WARRINGAH DEVELOPMENT CONTROL PLAN - MANLY CREEK RIPARIAN LANDS IN THE VICINITY OF MERMAID POOL**

<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC &amp; PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2019/643881</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a> Planning Proposal for Adoption (Included In Attachments Booklet)</b>
	<b>2 <a href="#">⇒</a> Development Control Plan Amendments to be Adopted (Included In Attachments Booklet)</b>
	<b>3 <a href="#">⇒</a> Gateway Determination Dated 9 August 2019 (Included In Attachments Booklet)</b>
	<b>4 <a href="#">⇒</a> Public Submission Summary and Responses (Included In Attachments Booklet)</b>
	<b>5 <a href="#">⇒</a> Public Submission Summary and Responses - Development Control Plan Amendments (Included In Attachments Booklet)</b>

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**SUMMARY**

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**PURPOSE**

To report the outcomes of the public exhibition of the draft Planning Proposal to amend Warringah Local Environmental Plan 2011 (WLEP), and the associated draft amendments to Warringah Development Control Plan 2011 (WDCP 2011).

This report recommends Council's adoption of the Planning Proposal to be forwarded to the Department of Planning, Industry and Environment (DPIE) for finalisation and to seek adoption of the amendments to WDCP 2011 and to publish the amendment in accordance with legislative requirements.

**EXECUTIVE SUMMARY**

A Planning Proposal, initiated by Council in November 2018, is seeking to amend Warringah Local Environmental Plan by rezoning four land parcels in the vicinity of 'Mermaid Pool' from 'R2 Low Density Residential' to 'RE1 Public Recreation'.

At its meeting of 26 February 2019, Council after having considered a report on the preparation of the subject Planning Proposal resolved as follows:

*That:*

- A. *Council submit the attached Planning Proposal to the Department of Planning and Environment for a Gateway Determination to rezone the following parcels of land from Low Density Residential (R2) to Public Recreation (RE1) and to remove height and minimum allotment size controls from the land:*
- *Lot 7370 DP1165551 being land adjoining 102 King Street, Manly Vale*
  - *Lot 7369 DP1165551 Wandella Road, Allambie, south of Jenna Close*
  - *Lot 7371 DP1165577, Allambie, south of Blamey Street*

- *Part unmade road at the southern end of Wandella Road, King Street, Manly Vale.*
- B. *Council prepare and exhibit consequential amendments to Warringah DCP 2011 to remove residential development controls, including setback and minimum landscaped area controls, from this land.*

The Department of Planning, Industry and Environment issues gateway determination on 9 August 2019. Consultation with NSW Rural Fire Service was required before formal public exhibition could commence.

The draft Planning Proposal was publicly exhibited from 19 October to 1 December 2019. The draft amendment to the Warringah Development Control Plan 2011 (the 'WDCP 2011') was initially publicly exhibited from 23 November to 22 December 2019. During the exhibition period, it was identified that Control E7 "Development on Land Adjoining Public Open Space" of WDCP 2011 needed to be applied to nine additional land parcels. Landowners of the nine affected parcels were advised in writing of this change on 8 January 2020 and in accordance with Council's Community Participation Plan 28 days were given to the affected propertyies to review the changes and make comment on this affectation. In addition to this, draft amendments to the 'WDCP 2011' were publicly re-exhibited from 15 February to 15 March 2020.

In relation to the Planning Proposal a total of 68 submissions were received with 51 in support. Responses from two public authorities were also received during the exhibition period.

In relation to the amendments to the WDCP 2011, 11 submissions were received with six in support.

If the Council agrees to adopt the Planning Proposal (Attachment 1) then the Planning Proposal will be submitted to the Department of Planning, Industry and Environment with a request to amend Warringah Local Environmental Plan 2011 (the 'WLEP 2011'). Concurrent with the Planning Proposal is the Amendment to Warringah Development Control Plan 2011 (Attachment 2). The changes to WDCP 2011 would come to effect when the amendment to WLEP 2011 is formally made.

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## RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Adopt the Planning Proposal and submit it to the Department of Planning, Industry and Environment for finalisation to amend Warringah Local Environmental Plan 2011 to rezone the following parcels of land from 'Low Density (R2)' to 'Public Recreation (RE1)' and to remove building height and minimum allotment size controls from those parcels:
    - Lot 7370 DP1165551 being land adjoining 102 King Street, Manly Vale
    - Lot 7369 DP1165551 Wandella Road, Allambie, south of Jenna Close
    - Lot 7371 DP1165577, Allambie, south of Blamey Street
    - Part unmade road at the southern end of Wandella Road, King Street, Manly Vale.
  2. Adopt the amendments to Warringah Development Control Plan 2011.
  3. Publish the amendments to Warringah Development Control Plan 2011 in accordance with legislative requirements, to come into effect on the same date of notification of the amendment to Warringah Local Environmental Plan 2011.
  4. Advise those persons who made submissions to the public exhibition of Council's decision.
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## REPORT

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### BACKGROUND

The Planning Proposal relates to land forming part of the Manly Creek riparian lands, namely:

- Lot 7370 DP1165551 being land adjoining 102 King Street, Manly Vale.
- Lot 7369 DP1165551 Wandella Road, Allambie, south of Jenna Close.
- Lot 7371 DP1165577 located to the rear of properties south of Blamey St and Bate Avenue, Allambie.
- Part unmade road at the southern end of Wandella Road, King Street, Manly Vale and east of the Manly Water Laboratory (Research Station).

The land being rezoned to RE1 Public Recreation also require changes to the Warringah Development Control Plan 2011 (the 'WDCP 2011') as summarized below:

1. Remove the subject lands from any DCP maps where WDCP 2011 provisions do not apply to RE1 zoned land, including:
  - Part B (Built Form Controls) and in particular DCP maps associated with controls B1 Wall Heights, B3 Side Boundary Envelope, B5 Side Boundary Setbacks, B7 Front Boundary Setbacks, B9 Rear Boundary Setbacks.
  - Control D1 Landscaped Open Space and Bushland Setting and associated DCP Map to Control D1.
  - Control E7 Development on land adjoining public open space and associated DCP Map to control E7.
2. Applying Control E7 "Development on Land Adjoining Public Open Space" of WDCP 2011 to nine additional land parcels abutting the land being rezoned to RE1. This will facilitate protection and preserve bushland, bushland reserves and other public open spaces. It requires that any development on the nine properties that adjoins land being rezoned RE1 Public Recreation:
  - responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.
  - complements the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.

The land parcels being rezoned are contained within David Thomas Reserve and surrounding bushland located in the suburbs of Allambie Heights and Manly Vale below Manly Dam. The land is bounded by low-density residential development to the north and south. The land is native vegetation and partly includes the riparian corridor of Manly Creek (See Figure 1 overleaf).

This vegetated creek line corridor on and adjoining the subject lots directly connects Manly Dam in the west to Millers Reserve and Warringah Golf Club in the east, before discharging into Manly Lagoon. In this regard, the land contributes significantly to important vegetative links from Manly Dam to the coast. The land is also included in several local and state ecological studies and databases detailed in this Planning Proposal.

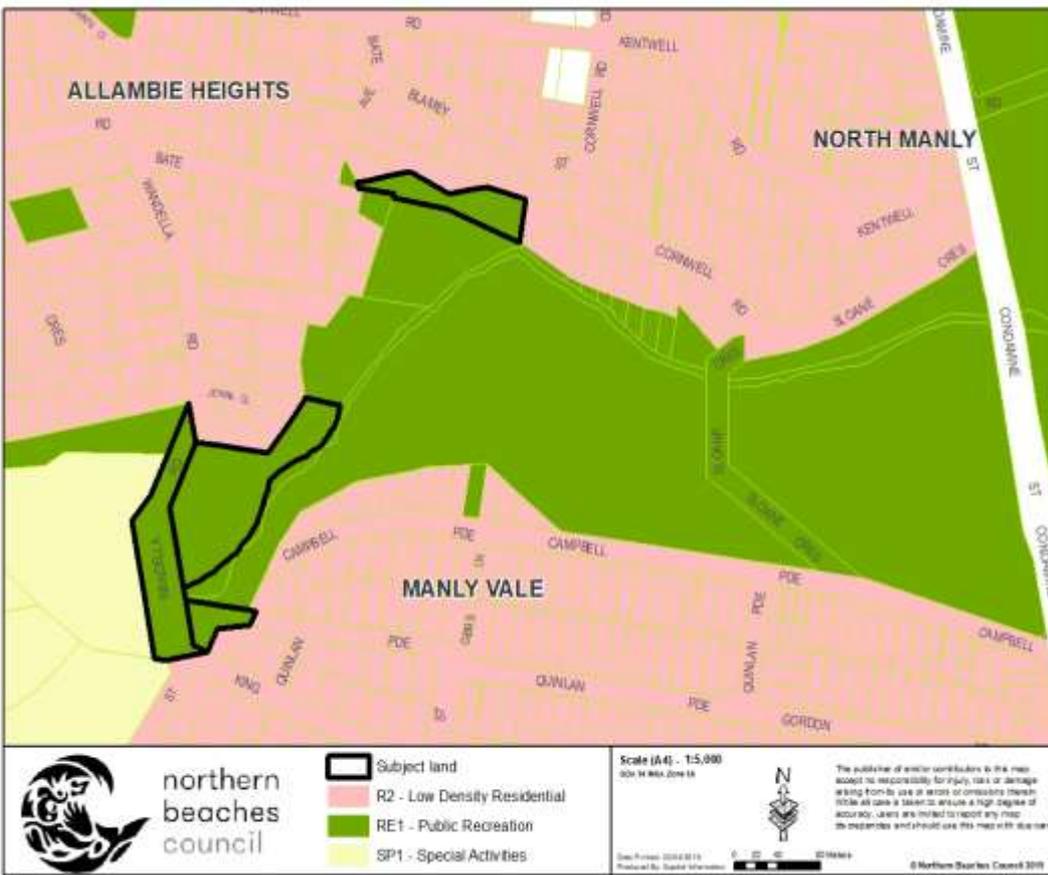
The subject land parcels and bushland form part of a place fondly known by the local community as the 'Mermaid Pool'. The subject land parcels are in the vicinity of this riparian pool with associated waterfall and rock escarpments. This land is the subject of an ongoing community restoration project, which gained recognition and impetus under the national Clean Up Australia Day campaign in 2001/2002, and the 'Return of the Mermaids' project.

At this time, over 4 tonnes of waste was removed from the creek including old ovens, car parts, trolleys, and building material. From this event, efforts have been sustained with ongoing bush-care volunteers meeting monthly to continue the bushland regeneration of this community-valued place. Other events and workshops run by 'Save Manly Dam Catchment Committee' include educational programs, nesting box installation, drain stencilling, lobbying and advocacy. Council also currently manages and funds a bush regeneration volunteer program at the Mermaid Pool and bush regeneration contracts in the adjacent David Thomas Reserve.

**Figure 1 – Subject Land**



Figures 2 and 3 (overleaf) – Current Zoning (Top Map) and Proposed Zoning under the Planning Proposal (Bottom Map)



## CONSULTATION

### Gateway Determination

The Department of Planning, Industry and Environment (the 'DPIE') issued a Gateway Determination for this Planning Proposal on 9 August 2019 (Attachment 3). The Gateway Determination required Council to consult with NSW Rural Fire Service (the 'NSW RFS') prior to commencing the public exhibition phase.

The response from NSW RFS, dated 13 September 2019, formed part of the exhibition documents to the Planning Proposal.

### Public Exhibition of the Draft Planning Proposal

The draft Planning Proposal was placed on public exhibition for a total 44 days, initially from 19 October to 17 November 2019, then extended to 1 December 2019. Council undertook consultation as follows:

- A project landing-page established on Council's 'Your Say' website to facilitate online engagement.
- Manly Daily advertisement of the draft Planning Proposal at the commencement and midway through the exhibition.
- Notification in writing to affected and adjoining landowners at the commencement and midway through the exhibition.
- Hard copies of the exhibition material at Council's Dee Why, Manly and Mona Vale Customer Service Centres.
- An email to registered community members who had registered their interest on the draft Planning Proposal at the commencement and midway through the exhibition.

The following public authorities were also consulted during this period:

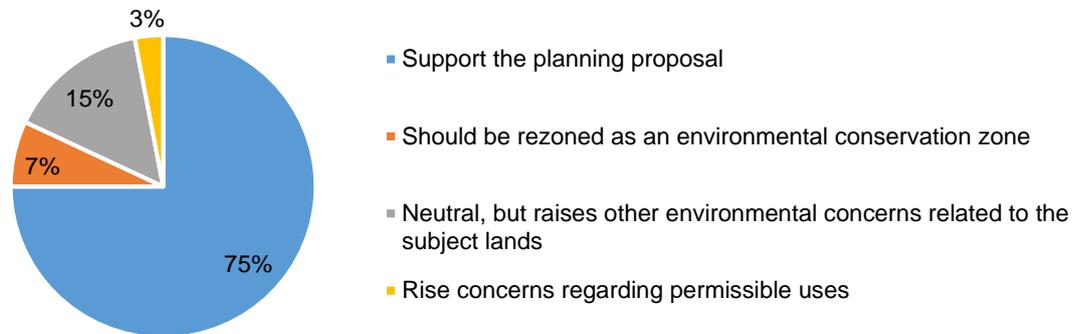
- NSW Crown Lands, as the owners of the land parcels that are being rezoned, confirmed their support to the rezoning.
- Metropolitan Local Aboriginal Land Council (MLALC) however Council has not received a response.
- Office of Environment and Heritage (now Environment, Energy and Science Group (the 'EES') within DPIE wrote to Council on 18 November 2019. Their letter is included in the updated Planning Proposal as well as Council response to their issues.

The draft Planning Proposal was viewed 931 times via the 'Your Say' website by 771 visitors.

A total of 68 public submissions were received during the exhibition period. Five themes collated from the submissions include:

- Support the rezoning (51 submissions).
- Neutral, but raises other environmental concerns related to the subject lands – suggesting the area be set apart as Wildlife Protection Area or a 'small bird habitat corridor, or recognize and protect the aboriginal heritage associated with land; request for the land to be part of Manly Warringah War Memorial State Park; suggested actions to remove noxious weeds from the subject lands or investigate the vegetation clearing for Manly Vale Public School expansion (ten submissions).

- Suggestion for the land to be rezoned an Environmental Conservation zone (five submissions).
- Concerns regarding permissible uses in the proposed RE1 Public Recreation zone (two submissions).



Council staff summary and response to submissions is found in Attachment 4.

### Public Exhibition of the Draft Amendment to Warringah Development Control Plan 2011

The draft Amendment to Warringah Development Control Plan 2011 (the 'WDCP 2011') was initially publicly exhibited from 23 November to 22 December 2019. Five submissions were received, three of which were in support of the proposed changes.

During this period, it was identified that Control E7 '*Development on Land Adjoining Public Open Space*' of WDCP 2011 needed to be applied to nine additional land parcels. Landowners of the nine affected parcels were advised in writing of this change on 8 January 2020, and given 28 days to review the changes and make comment on this affectation. No formal response or enquiries were received from the nine affected landowners.

The draft Amendment to WDCP 2011 including the proposed additional land applicable under Control E7 was publicly re-exhibited from 15 February to 15 March 2020. 6 submissions were received, 3 of which were in support. This included an enquiry on likely impact the DCP Control E7 may have on the property and ability to build/renovate the existing dwelling in the future.

The exhibited DCP amendments were viewed 622 times during the exhibition periods via 'Your Say' website by 535 visitors.

A total of 11 submissions were received, 6 of which were in support of the proposed amendments to WDCP 2011. A summary of submissions and Council responses to the draft Amendment to WDCP 2011 can be found in Attachment 5.

### TIMING

If Council agrees to support the Planning Proposal, the Planning Proposal will be submitted to the Department of Planning, Industry and Environment with a request to amend Warringah Local Environmental Plan 2011 (the 'WLEP 2011').

If Council agrees to adopt the Amendment to Warringah Development Control Plan 2011, the changes to WDCP 2011 would come to effect when the amendment to WLEP 2011 is formally made.

## LINK TO COUNCIL STRATEGY

This Planning Proposal is consistent with Council's Community Strategic Plan outcome of environmental sustainability including:

- Protection of the Environment: Goal 1- Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.
- Protection of the Environment: Goal 2 - Our environment and community are resilient to natural hazards and climate change.
- Protection of the Environment: Goal 3- Our community is well-supported in protecting the environment.
- Environmental Sustainability: Goal 5 - Our built environment is developed in line with best practice sustainability principles.

The Planning Proposal is also consistent with Council's Local Strategic Planning Statement, Towards 2040, including Priority 2 Protected and enhanced bushland and biodiversity.

## FINANCIAL CONSIDERATIONS

The preparation of the Planning Proposal and amendment to Warringah Development Control Plan 2011 were funded through Council's Operational budget.

## SOCIAL CONSIDERATIONS

The rezoning aligns with community aspirations for the subject land parcels, including volunteer bushland regeneration events in an around the site. Rezoning the land RE 1 Public Recreation delivers a land use framework that will provide for a range of passive recreational activities, and local amenity and values.

The Aboriginal Heritage Office supports the Planning Proposal to rezone the land.

## ENVIRONMENTAL CONSIDERATIONS

Rezoning the land RE1 Public Recreation will introduce new zone objectives and land use permissibility for the land that will better address the local flora and fauna which characterise the land. The planning provisions will also better protect and enhance the natural environment and the values of the land.

The Biodiversity Study prepared in conjunction with this draft Planning Proposal identifies the presence of threatened species currently utilising the subject lots. Council's Bushland & Biodiversity and Coast and Catchments teams, having assisted in the preparation of the draft Planning Proposal, confirm that the likely environmental effects of the Planning Proposal will be to better protect, manage, and restore public land with ecological, scientific, cultural or aesthetic values.

Suggestions to remove noxious weed in the area are duly noted. Council is currently finalising a Weed Assessment Matrix that will allow prioritisation of creek sites for treatment each year under dedicated funding. Mermaid Pool and Manly Creek (and Manly Dam) is one of the first sites that will be assessed under this Matrix once it has been finalised and community concerns will be considered when planning the future schedule of works.

## GOVERNANCE AND RISK CONSIDERATIONS

Rezoning the riparian lands from a residential zone to a public recreational zone will reduce potential risks of this land being developed and compromising its environmental qualities.

As discussed above, changes were also made to the exhibited Draft WDCP 2011. The changes were re-exhibited, and were notified to affected property owners.

## 14.0 NOTICES OF MOTION

<b>ITEM 14.1</b>	<b>NOTICE OF MOTION NO 08/2020 - WAKEHURST PARKWAY AND MONA VALE ROAD</b>
<b>TRIM FILE REF</b>	<b>2020/190824</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

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

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### MOTION

That Council:

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

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

<b>ITEM 14.2</b>	<b>NOTICE OF MOTION NO 09/2020 - SUPPORT FOR IMPROVING SAFETY AND FLOOD PROOFING WAKEHURST PARKWAY</b>
<b>TRIM FILE REF</b>	<b>2020/190845</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Stuart Sprott

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

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## **MOTION**

That Council:

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

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## **BACKGROUND FROM COUNCILLOR STUART SPROTT**

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

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

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

<b>ITEM 14.3</b>	<b>NOTICE OF MOTION NO 12/2020 - STAFF ACKNOWLEDGEMENTS DURING FLOOD AND STORM EVENT</b>
<b>TRIM FILE REF</b>	<b>2020/190853</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Stuart Sprott

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

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## **MOTION**

That Council:

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

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

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

- ITEM 14.4**                    **NOTICE OF MOTION NO 13/2020 - ADOPTING NON-OPPOSED NOTICES OF MOTION BY EXCEPTION**
- TRIM FILE REF**            **2020/190900**
- ATTACHMENTS**        **1** [⇒](#) **Proposed Amendments - Draft Code of Meeting Practice (Included In Attachments Booklet)**

Submitted by: Councillor Vincent De Luca OAM

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

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## MOTION

That:

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

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

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

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

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

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

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## BACKGROUND FROM COUNCILLOR VINCENT DE LUCA OAM

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

The NSW Legislative Council has long undertaken the practice, facilitated through its Standing Orders of Business, of dealing with formal motions upfront, whereby notices of motion to which there are no objections are put without debate or amendment and disposed of accordingly. This motion proposes a similar approach, where notices of motion by exception can be dealt with under *'items resolved by exception'* in the Council meeting order of business and therefore will be dealt with upfront at the Council meeting.

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

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

<b>ITEM 14.5</b>	<b>NOTICE OF MOTION NO 14/2020 - PASSING OF OUTSTANDING VOLUNTEER PEGGY MILLER</b>
<b>TRIM FILE REF</b>	<b>2020/190926</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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

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## **MOTION**

That:

1. Council notes:
    - A. With sadness the passing of Mrs Peggy Miller on 19 January 2020 at 103 years of age.
    - B. Mrs Miller was born in the cottage hospital at Manly in 1916.
    - C. After marrying Lloyd, a South Coast Dairy Farmer, they settled for 20 years onto the family property in Gerrigong. They then moved to a wheat sheep and cattle property at Graman in North West NSW. After four years of drought, their finances were depleted, so they moved to Newcastle growing the first green asparagus crop.
    - D. Mrs Miller joined as a Younger Set member the Country Women's Associated at 19 years of age.
    - E. She assisted with the foundation of the Macksville War Widow's Guild Club, joined the patchwork group and made quilts for cancer wards at many hospitals.
    - F. In recent years, she served with distinction in the Manly Branch of the Country Women's Association as well as working with Meals on Wheels, the View Club, and the Anglican Church.
    - G. In honour of Mrs Miller's outstanding service to the Country Women's Association and the wider community she was conferred an award at the Jean Arnot Memorial luncheon and won the Senior NSW Volunteer of the Year Award (Northern Beaches).
  2. This Council:
    - A. Acknowledges and commends the outstanding community service of Mrs Peggy Miller.
    - B. Extends its condolences to her children and their respective partners Carolyn and Cory, Peter and Jill, Stuart and Maree.
    - C. Acknowledges the continued outstanding service of the Manly Branch of the Country Women's Association and associated Northern Beaches division of the Better Care Aged Care Support Service.
    - D. Requests the Chief Executive Officer to forward this resolution to Mrs Miller's family and the Manly and NSW Branches of the Country Women's Association.
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<b>ITEM 14.6</b>	<b>NOTICE OF MOTION NO 15/2020 - SOLAR FARM</b>
<b>TRIM FILE REF</b>	<b>2020/190961</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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

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## MOTION

That Council:

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

## BACKGROUND FROM COUNCILLOR STUART SPROTT AND KYLIE FERGUSON

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

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

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

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





<b>ITEM 14.8</b>	<b>NOTICE OF MOTION NO 19/2020 - RATE REDUCTIONS AND STAFF – RESPONSE TO COVID-19</b>
<b>TRIM FILE REF</b>	<b>2020/211759</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

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## **MOTION**

That Council:

1. Notes:
  - A. A number of businesses on the Northern Beaches have had to close and people have lost their jobs due to the restrictions announced by the Federal Government because of the coronavirus.
  - B. Many people on the Northern Beaches are suffering severe financial and mental health hardship.
  - C. Northern Beaches Council has increased its rates each year since amalgamation.
  - D. Northern Beaches Council has increased its bureaucracy significantly since amalgamation with doubling its Directors from three to six as well as increasing the number of Executive General Managers.
  - E. Several other Councils have already sought to cut rates and introduce cost cutting measures within their respective Council so as to facilitate rate reductions and increase services to the community during this challenging time.
2. Resolves to:
  - A. Request the Chief Executive Officer furnish a report to the next meeting of Council on:
    - i. The viability of cutting rates by at least 25% for the next year.
    - ii. Cost cutting measures able to be implemented in relation to Council staff and non essential capital works in order to save rate payers' money.

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## **CHIEF EXECUTIVE OFFICER REPORT**

*In accordance with Council's Code of Meeting Practice Clause 4.15(a) I offer the following report on this matter to assist Council in the deliberation of this motion:*

The financial impact on Council of reducing rates by 25%, compared to Council's draft budget position is \$44.4m in 2020/21.

<b>ITEM 14.9</b>	<b>NOTICE OF MOTION NO 20/2020 - FINANCIAL RESPONSE TO COVID-19 PANDEMIC IMPACTS</b>
<b>TRIM FILE REF</b>	<b>2020/225767</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillors Rory Amon, David Walton and Pat Daley OAM

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## **MOTION**

That:

1. Councillor and Mayoral fees for the 2020/21 financial year be reduced 20% from the 2019/20 level, being reduced to \$24,328 and \$70,880 respectively, subject to any determination of the Local Government Remuneration Tribunal, saving nearly \$500,000 per term of Council.
2. There be no increase in rates, all user fees and charges, including waste charges, for the 2020/21 financial year, saving ratepayers over \$6,000,000 per year.
3. Councillors support a wage cut of 10% from 2019/20 levels for Council Executive at Director and CEO level for the duration of the COVID-19 pandemic, saving about \$250,000 per year.
4. There be a 50% reduction in the small fleet vehicle budget for the 2020/21 financial year and a ban on the purchase of luxury vehicles such as Jaguars and Teslas, saving about \$1,500,000 per year.
5. Pursuant to the Local Government Act 1993, Northern Beaches Council hold a constitutional referendum at the next Council election seeking the community's view on changing the number of Councillors to ten, being two Councillors per Ward, saving up to over \$1,000,000 per term of Council in reduced Councillor Fees and Benefits.
6. The CEO direct each Executive Manager to prepare a report for consideration by Councillors at the May 2020 Council meeting outlining (in order) their top five measures to reduce their operational expenditure (not previously forecast Capital Expenditure of about \$111,000,000 for 2020/21) budget by 2%, saving about \$4,000,000 per year.

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## **BACKGROUND FROM COUNCILLOR RORY AMON; DAVID WALTON; PAT DALEY OAM**

The COVID-19 pandemic is placing unprecedented pressure on Council's budget, seeing it go backwards tens of millions of dollars.

Council staff's answer to this budget black hole is raise rates and cancel, delay or defer vital infrastructure projects - cutting services and reducing benefits to the Community. There is no proposal by the Mayor or Council staff to cut in internal perks, create efficiency dividends or cut internal costs, all the while retaining jobs. Such proposals are achievable.

Council should not make the community cover 100% of the cost of the COVID-19 pandemic by raising rates and cutting projects - think less community centres, less building upgrades, less sport grounds upgrades. Council should share the load with community.

This motion proposes sensible measures to reduce expenditure over at least \$10 million, whilst also cutting rates and ensuring that vital infrastructure projects can proceed.

**CHIEF EXECUTIVE OFFICER REPORT**

*In accordance with Council's Code of Meeting Practice Clause 4.15(a) I offer the following report on this matter to assist Council in the deliberation of this motion:*

The financial impact of part 2 of this motion equates to a reduction in Council income of \$11.287m, being \$4.386m in Rates, \$4.278m in Domestic Waste and \$2.62m in other Fees and Charges. The financial impact of the assistance recommended within Council's draft budget equates to \$4.988m, being \$2.193m in Rates financial assistance, \$2.140m in Domestic Waste financial assistance and \$0.655m in other Fees and Charges.

In relation to Part 4 of this motion, staff are currently precluded from selecting vehicles that exceed the luxury car tax threshold.

<b>ITEM 14.10</b>	<b>NOTICE OF MOTION NO 21/2020 - ARTS AND CULTURE EVENTS</b>
<b>TRIM FILE REF</b>	<b>2020/225702</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Penny Philpott

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## **MOTION**

That as Councillors, we work with the community and in conjunction with the Arts and Culture and Events teams to establish a number of events and programs that will assist both mentally and financially, the vast number of creatives who live and work in the Northern Beaches. These events should incur very little cost to Council. Namely:

1. A major artwork to remember COVID-19, funded by the community as part of the Coast Walk art trail.
  2. A mass exhibition held in every available gallery, studio, open space etc., that will open simultaneously, on the same day late in 2020.
  3. A series of community performances/concerts/films held throughout the LGA to celebrate the return to 'normal life'.
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## **BACKGROUND FROM COUNCILLOR PENNY PHILPOTT**

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

We need to recognise the importance of these people and the contribution they make to our community; and the difference they make to our lives.

These people work as artists, writers, actors, filmmakers, technicians, photographers and musicians. They are our creatives, our community, with an average age of 42. These people, the majority of whom work under contract, have had their work and their incomes extinguished. They are earning no money, they have no work, and the majority of them are ineligible for any of the Government subsidy. As a Council we need to enable them to access work to generate an income.

I've been very concerned about their well being, and about how many will survive as creatives to reignite the joy they brought to us pre COVID-19.

These are the people who create the books we're reading, the music we're listening to, the movies, podcasts, documentaries, romcoms, cartoons, virtual tours, concerts and jokes we see, watch and listen to during our isolation.

We all see and enjoy an abundance of the creativity unleashed everyday while we're in isolation and there are so many clever, questioning, provocative, humorous, irritating and funny memes and videos to help us get through these surreal days, where we have very little physical contact and connection with those we love and care about and with whom we share our lives.

These 'creatives' are making a mammoth contribution to help make this crisis time bearable for us all.

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

I'm aware of a number initiatives our staff are planning in order to assist our creative community and look forward to them being announced. But hopefully, we can work together as one elected Council in a non-partisan manner to help our creative community, and our staff and develop lasting memories and celebrations for our Northern Beaches residents.

This notice of motion proposes that we work with the community and in conjunction with the Arts and Culture and Events teams to establish a number of events and programs that will assist both mentally and financially, the vast number of creatives who live and work in the Northern Beaches. These events should incur very little cost to Council, as follows:

**1. A major artwork to remember COVID-19, funded by the community as part of the Coast Walk art trail.**

This 'memory' artwork would be created as a co-ordinated collaborative work between Northern Beaches artists, and comply with the Artists' brief already established by Council staff for the Coast Walk art works. Working with Council staff throughout the process, as per the Coast Walk guidelines, It would be installed as a permanent work in a prominent site on the Coast Walk.

The work will not be Council funded, but will be funded from donations from within the Northern Beaches community. I have put my idea to several arts' organisations across the Northern Beaches who have been unanimously supportive.

*I am prepared to start the ball rolling, and will donate 2 months of my Councillor fee as the basis of a fund to finance a major public artwork to be installed along the Coast Walk.*

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

**2. A mass exhibition held in every available gallery, studio, open space etc., that will open simultaneously, on the same day late in 2020.**

Work with the Arts and Culture team to put a call-out to Northern Beaches visual artists of all genre to prepare work for a mass exhibition to be held in late 2020. This would be a series of exhibitions throughout the LGA in as many community halls, public galleries, studios, outdoor spaces, cafes and/or any other suggested venue that can accommodate a small or large exhibition of artwork.

I visualise this mass exhibition be coordinated throughout the LGA and open on the same date (when 'normal' life returns) in the designated venues, possibly to coincide with the planned Arts' festival late in 2020.

**3. A series of community performances/concerts/films held throughout the LGA to celebrate the return to 'normal life'**

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

As community leaders I'm suggesting Councillors work with the community and with Council staff to collectively create a series of concerts/performance/films - for our community - made by our community - to celebrate the return to 'normal' life.

This series should take place at venues across the Northern Beaches, enlisting the help of volunteers, with funded coming from the community, and/or philanthropists.

### **CHIEF EXECUTIVE OFFICER REPORT**

*In accordance with Council's Code of Meeting Practice Clause 4.15(a) I offer the following report on this matter to assist Council in the deliberation of this motion:*

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

## 15.0 QUESTIONS WITH NOTICE

<b>ITEM 15.1</b>	<b>QUESTION WITH NOTICE NO 03/2020 - COUNCILLOR FEE INCREASE AS CHARITABLE DONATION</b>
<b>TRIM FILE REF</b>	<b>2020/220358</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

### QUESTION

1.
  - A. Which Councillors voted last year, and what are their respective Registered Political Party they were elected under, on the Motion to automatically accept the maximum fee increase for Councillors for the remainder of the Council term?
  - B. Which Councillors voted against the Motion and what is their respective Registered Political Party they were elected under, or elected as Independents, on the Motion to automatically accept the maximum fee increase for Councillors for the remainder of the Council term?
2. On what dates has Council resolved to accept increases in Councillor fees and which Councillors voted, on each occasion, for these increases?
3. In the Manly Daily article of 29 May 2018 titled:  
*“Northern Beaches Councillors to give pay rise earnings to charity” which Councillors indicated they would donate or consider donating the increase in Councillor fees to charities?*
4. Is it correct that in the Manly Daily article of 29 May 2018 neither Mayor Michael Regan nor any of his registered political party members: Councillors Sarah Grattan, Roslyn Harrison, Sue Heins, Penelope Philpott or Ian White, not his current Deputy Mayor or Greens Political Party Councillor, Natalie Warren undertook to donate the rise in Councillor fees to charities?

## 16.0 RESPONSES TO QUESTIONS WITH NOTICE

<b>ITEM 16.1</b>	<b>RESPONSE TO QUESTION WITH NOTICE NO 02/2020 - SANITISATION AND CLEANING OF PUBLIC AREAS</b>
<b>TRIM FILE REF</b>	<b>2020/158204</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

### QUESTION

1. Has Council investigated what are the best sanitisation products to combat the coronavirus and is so what are they?
2. Will the cleaning schedule be increased for all public amenities, Council buildings and public places with high population use?
3. Will Council is educate business owners on the best sanitisation products to use and proactively encourage businesses of the Northern Beaches to clean their premises and outside businesses?
4. What regulatory powers does Council have should business not comply with proper public health and cleaning requirements and will Council be actively monitoring this to ensure public safety?

### ANSWER

1. Has Council investigated what are the best sanitisation products to combat the coronavirus and is so what are they?

Council undertook early investigations into the most appropriate sanitisation products to use in its public area cleansing, the cleansing of buildings and in hand sanitisers. For public area sanitisation, Council uses two chemical solutions as recommended by the European Centre for Disease Control: Ethanol at 70% and Benzalkonium chloride at 0.05%. For our buildings Council also uses hospital grade disinfectant and alcohol based hand sanitisers. These measures are in addition to Council's widespread campaigns advising our local community of the most effective methods of controlling the spread of COVID-19.

2. Will the cleaning schedule be increased for all public amenities, Council buildings and public places with high population use?

Council increased the cleaning regime of public amenities, Council buildings and places with high population use (e.g. Manly CBD, bus stops etc) as soon as COVID-19 became a concern in Australia and ahead of many government directives regarding mass gatherings and social distancing.

3. Will Council is educate business owners on the best sanitisation products to use and proactively encourage businesses of the Northern Beaches to clean their premises and outside businesses?

In the same way that Council has done, local businesses should take their guidance from government agencies and respective industry bodies to determine appropriate cleansing and sanitation regimes.

4. What regulatory powers does Council have should business not comply with proper public health and cleaning requirements and will Council be actively monitoring this to ensure public safety?

Council is not the appropriate regulatory authority for social distancing regulations and specific enquiries should be directed to NSW Health and/or Crime Stoppers. Police are the nominated regulators for the COVID 19 Public Health Orders. The Rangers have been providing advice to members of the public and the Environmental Health Team can also provide advice where necessary.

<b>ITEM 16.2</b>	<b>RESPONSE TO QUESTION TAKEN ON NOTICE NO 06/2019 - NORTHERN BEACHES DISCRETIONARY FUND</b>
<b>TRIM FILE REF</b>	<b>2020/197169</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Taken on notice at the Council meeting on 24 March 2020 from: Councillor David Walton

### **QUESTION**

Councillor Walton sought clarification from the Chief Executive Officer as to whether councillors declared conflicts of interest in relation to payments reported to Council under the Northern Beaches Discretionary Fund and whether all recipients of funding were eligible under the Policy for the period 18 December 2019 to 24 March 2020. *Please note due to technical difficulties the exact wording of the Question on Notice cannot be provided.*

### **RESPONSE**

Payments are made in accordance with the outlined purpose of the Northern Beaches Discretionary Fund Policy which was adopted by Council in July 2017. As required under the Policy, all requests by councillors under this fund are submitted to the Mayor, Deputy Mayor or Councillor and the Chief Executive Officer to certify that the allocation is made in accordance with the purpose outlined under the Policy and that funds are available.

It is the responsibility of individual councillors under the Northern Beaches Council Code of Meeting Practice, to declare a conflict of interest be it insignificant / significant or of a financial basis in relation to any reports presented to Council.

All applications for funding were considered against the criteria of the Policy and no conflicts of interest were declared at the Council meeting in relation to the Northern Beaches Council Discretionary Fund Quarterly Report presented at the 24 March 2020 meeting.



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