

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 30 MAY 2017

(2017/7)

Minutes of an Ordinary Meeting of Council
held on Tuesday 30 May 2017
at the Civic Centre, Dee Why
Commencing at 6.33pm

ATTENDANCE:

Members

Dick Persson, AM - Administrator

Officers

Mark Ferguson	Chief Executive Officer
Helen Lever	General Manager Customer & Corporate
Ben Taylor	General Manager Environment & Infrastructure
David Kerr	General Manager Planning Place & Community
Sonya Gallery	Executive Officer to the CEO
Todd Dickinson	Executive Manager Natural Environment & Climate Change
Andy Davies	Executive Manager Transport & Urban
Gabrielle Angles	Executive Manager Customer Service
David Walsh	Executive Manager Chief Financial Officer
Andrew Pigott	Executive Manager Strategic Land Use Planning
Mark Jones	Executive Manager Assets Property & Finance
Steven Lawler	Executive Manager Parks & Reserves
Nathan Rogers	Executive Manager Chief Information Officer
Neil Williamson	Executive Manager Environmental Compliance
Michael McDermid	Executive Manager Corporate Strategy & Planning
Kath McKenzie	Executive Manager Marketing & Communications
Melinda Aitkenhead	Acting Executive Manager Governance & Enterprise Risk
Melissa Lee	Governance & Administration Manager
Lynne Jess	Secretariat Officer
Sylwia Stafford	IM&T Service Desk Support Officer

NOTES

The meeting commenced at 6.33pm, adjourned at 6.37pm, resumed at 6.43pm and concluded at 9.03pm

NOTE: The Administrator acknowledged the presence of former Mayor of Warringah, Michael Regan, Former Deputy Mayor of Pittwater Kylie Ferguson, and former Councillors Cathy Griffin and Candy Bingham.

1.0 APOLOGIES

Nil

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 26 APRIL 2017

080/17 **RESOLVED**

D Persson

That the Minutes of the Ordinary Council Meeting held 26 April 2017, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

2.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 3 MAY 2017

081/17 **RESOLVED**

D Persson

That the Minutes of the Extraordinary Council Meeting held 3 May 2017, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

3.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

General Manager Planning Place & Community, David Kerr, declared a less than significant non-pecuniary interest in relation to Item 9.5, as the owner of the property is known to him.

Administrator, Dick Persson, declared a less than significant non-pecuniary interest in relation to Item 9.7, as he is a board member of Bridge Housing that may have a future interest.

4.0 PUBLIC FORUM

The Administrator requested each speaker to acknowledge they had been informed that the meeting was to be webcast live and that Council accepts no responsibility for any defamatory comments made.

4.1 Mr Jim Boyce made a statement regarding Heritage & History and the Strategic Reference Group.

4.2 Ms Jacqueline French made a statement about S94 Contributions for Little Manly.

4.3 Mr Bruce Kitson asked a question regarding the Governance and the Development Deed for Whistler Street Development that was signed by a company incorporated before the deed was signed.

4.4 Mr David Parsons made a statement and congratulated the Administrator on the Walter Gors Park.

4.5 Ms Denise Keen representing Friends' of Ivanhoe Park Botanic Garden addressed Council on the formation of the Group and requested support and advice as may be needed.

4.6 Dr Conny Harris asked the following questions.

- 1. Are there still obstacles to commencing the tax deductible donations fund established by the old Warringah Council and if not could it be promoted ASAP?**
- 2. If Council would review the management and maintenance program in cooperation with natural environmental managers and community input?**
- 3. Is it possible to progress the walking/cycling track following Slippery Dip Track through to Narrabeen?**

4.7 Mr Brian Halstead made a statement regarding PCYC capital costs, completion timing and funding.

4.8 Ms Cathy Griffin asked a question regarding banning single use plastic bags.

NOTE: The Administrator advised that Mr Doug Price could address Item 8.6 on the agenda at this time due to his required travel of offshore.

NOTE: Mr Doug Price addressed Council on Item 8.6.

5.0 ADMINISTRATOR'S MINUTES

5.1 ADMINISTRATOR'S MINUTE NO 04/2017 - RESEARCH INTO BETTER TICK CONTROL ON THE NORTHERN BEACHES

082/17 **RESOLVED**

D Persson

That Council:

- A. Fund an appropriate research partnership with a university to better understand human-tick-host interactions and appropriate landscape scale controls.
- B. Contribute up to \$25,000 per year for three years for this research from Council's Merger Savings Fund.
- C. Report back with the findings from this research on annual basis.
- D. Review its website and ensure it links to the most up to date information on ticks and tick bite management.

5.2 ADMINISTRATOR MINUTE NO 05/2017 - DRAFT NORTHERN BEACHES SPORTSGROUNDS STRATEGY FOR PUBLIC EXHIBITION

NOTE: Harmen Fredrikze addressed Council on this Item.

NOTE: Kelvin Milsom addressed Council on this Item.

083/17 **RESOLVED**

D Persson

That Council:

- A. Is committed to enabling as many residents as possible to participate in active sport and accepts there is an unacceptable current and projected future shortfall of sportsfields.
- B. Supports taking all practical and affordable measures possible to close the gap between supply and demand.
- C. Endorses for the purpose of community feedback the draft Northern Beaches Sportsgrounds Strategy and its priority actions identified through community engagement:
 - a. Allocate sportsfields based on a needs and participation growth basis.
 - b. Improve the capacity and resilience of existing sportsfields.
 - c. Build new sportsfields in new housing development areas (Warriewood and Ingleside).
 - d. Partner with schools to provide additional sportsfields for the community.
 - e. Install synthetic surfaces on some existing sportsfields to enable greater use.
 - f. Convert suitable open space to sportsgrounds including some golf course land as needed, with all alternatives to increase supply and improve capacity to be explored and implemented where feasible prior to proceeding with such a conversion.
- D. Place on exhibition the draft Northern Beaches Sportsgrounds Strategy for a period of 28 days and that the submissions received and final Strategy be reported back for consideration and adoption.

6.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

6.1 STRONGER COMMUNITIES FUND COMMUNITY GRANTS PROGRESS REPORT

084/17 **RESOLVED**

D Persson

That Council note the Stronger Communities Fund Community Grants Program update.

6.2 INTEGRATION UPDATE

085/17 **RESOLVED**

D Persson

That Council note the Integration Update Report.

7.0 CUSTOMER & CORPORATE DIVISION REPORTS

7.1 MONTHLY INVESTMENT REPORT - APRIL 2017

086/17 **RESOLVED**

D Persson

That Council receive and note the Investment Report as at 30 April 2017, including the certification by the Responsible Accounting Officer.

7.2 DRAFT POLICIES FOR EXHIBITION

087/17 **RESOLVED**

D Persson

That the following draft policies be placed on public exhibition for 28 days with the results reported to Council:

- A. Access to Information
- B. Enterprise Risk Management
- C. Mayoral Discretionary Fund
- D. Privacy
- E. Procurement
- F. Scotland Island Emergency Water Pipeline and Non-Potable Water
- G. Storage of Watercraft on Council Foreshores

7.3 INITIAL LOCAL GOVERNMENT PERFORMANCE AUDITS - CORRESPONDENCE FROM THE AUDIT OFFICE NEW SOUTH WALES

088/17 **RESOLVED**

D Persson

That Council note the correspondence from the Audit Office of New South Wales in relation to initial local government performance audits.

7.4 DIGITAL TRANSFORMATION STRATEGY: EXHIBITION OF DRAFT DIGITAL TRANSFORMATION STRATEGY

089/17 **RESOLVED**

D Persson

That Council place on exhibition the draft Northern Beaches Council *Digital Transformation Strategy* for a period of 28 days and that the submissions received and final Strategy be reported back to Council for consideration and adoption.

7.5 NORTHERN BEACHES COUNCIL DRAFT CUSTOMER EXPERIENCE STRATEGY

090/17 **RESOLVED**

D Persson

That Council place on exhibition the draft Northern Beaches Council *Customer Experience Strategy* for a period of 28 days and that the submissions received and final Strategy be reported back to Council for consideration and adoption.

7.6 QUARTERLY FINANCIAL AND MANAGEMENT REPORT MARCH 2017

NOTE: Bruce Kitson addressed Council on this Item.

NOTE: Brian Halstead addressed Council on this Item.

091/17 **RESOLVED**

D Persson

That Council:

- A. Note the Budget Review Statement for the period 13 May 2016 to 31 March 2017.
- B. Approve the following changes to the Current Forecast in the March 2017 Business Review Statement:
 - a. The Surplus from Continuing Operations which includes Capital Grants and Contributions is forecast to decrease by \$11,884,791 to \$65,063,166.
 - b. Decrease in capital expenditure by \$18,787,823.

8.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

8.1 MINUTES OF THE SYDNEY COASTAL COUNCIL GROUP MEETING HELD 18 MARCH 2017

092/17 **RESOLVED**

D Persson

That Council:

- A. Note the minutes of the Sydney Coastal Councils Group ordinary meeting held 18 March 2017.
- B. Find that the proposed membership contribution model is unacceptable.
- C. Undertake a detailed review of its membership of the Sydney Coastal Councils Group, particularly the way member contributions are calculated, and the return received on Council's investment.

8.2 AMENDMENTS TO POLICIES AND DEVELOPMENT CONTROLS FOR FLOOD PRONE LAND

093/17 **RESOLVED**

D Persson

That Council exhibits for a period of 28 days:

- A. Modifications to the Manly Development Control Plan (2013) to replace clause 5.4.3 with the clause at Attachment 3, and make amendments indicated in Attachment 1
- B. Modifications to the Warringah Development Control Plan (2011) to replace clause E11 with the clause at Attachment 3, and make amendments indicated in Attachment 1
- C. Modifications to the Pittwater 21 Development Control Plan (2015) to remove clauses B3.11, B3.12, B3.13, B3.14, B3.15, B3.16, B3.17, B3.18, B3.19, B3.20, B3.21, B3.22 and B3.24 and insert the clause at Attachment 3
- D. Modifications to the Pittwater 21 Development Control Plan (2015) to make amendments indicated in Attachment 1
- E. Draft Flood Risk Management Policy shown at Attachment 5
- F. Proposal to rescind the Interim Policy - Flood Prone Land (2013)
- G. Proposal to remove and rescind Appendix 8 of the Pittwater 21 Development Control Plan (2015)
- H. Proposal to remove Appendix 15 of the Pittwater 21 Development Control Plan (2015) and reinstate as a new Council policy as shown at Attachment 6
- I. Amended Water Management Policy (2015) as shown at Attachment 7.

8.3 PUBLIC EXHIBITION OF PROPOSAL TO RENAME RESERVE ON OCEAN STREET, NARRABEEN

094/17 **RESOLVED**

D Persson

That Council:

- A. Note the report on the submissions made during the public exhibition.
- B. Apply to the Geographical Names Board to name the reserve The Kirsop Surfrider Gardens.
- C. Authorise the General Manager Environment and Infrastructure to respond to the Geographical Names Board if the application receives objections.

8.4 EXHIBITION OF PROPOSED AMENDMENTS TO DEVELOPMENT CONTROLS FOR TREES AND BUSHLAND ON PRIVATE PROPERTY

095/17 **RESOLVED**

D Persson

That Council endorse the exhibition of the draft amendments to the Pittwater, Warringah and Manly Development Control Plans in relation to the Preservation of Trees and Bushland Vegetation for 4 weeks as shown in Table 1 and that the outcomes of the exhibition be reported back to Council.

8.5 PROPOSED COMPULSORY ACQUISITION OF COUNCIL COMMUNITY LAND AT CORNER OF SYDNEY ROAD AND HOPE STREET SEAFORTH BY ROADS AND MARITIME SERVICES

NOTE: Matthew Cape addressed Council on this Item.

096/17 **RESOLVED**

D Persson

That Council:

- A. Authorise compulsory acquisition by agreement by Roads & Maritime Services of the Council Community Land at the corner of Sydney Road and Hope Street Seaforth being Part Lot 5 DP836339 (130m²), subject to Roads & Maritime Services paying to Northern Beaches Council compensation in accordance with the independent valuation advice received by Council and the Land Acquisition (Just Terms Compensation) Act 1991 within 30 days of the publication of an Acquisition Notice in accordance with this Act.
- B. Authorise the Chief Executive Officer to execute all documentation necessary in order to give effect to this resolution.

NOTE: The Administrator changed the Order of Business so Items 8.7, 8.8, 8.9, 8.10, 8.11 and 8.12 are dealt with by exception with the recommendations of the General Managers being adopted.

8.7 RFT 2016/173 - LEASE FOR THE TRAMSHED ARTS AND COMMUNITY CENTRE CAFE

097/17 **RESOLVED**

D Persson

That Council adopt the recommendation contained in the Confidential Attachment to this report.

RESOLVED BY EXCEPTION

8.8 RFT 2017/007 - BALGOWLAH PLAZA REVITALISATION WORKS

098/17 **RESOLVED**

D Persson

That Council adopt the recommendation contained in the Confidential Attachment to this report.

RESOLVED BY EXCEPTION

8.9 RFT 2017/010 - IRRIGATION MAINTENANCE SERVICES PANEL

099/17 **RESOLVED**

D Persson

That Council adopt the recommendation contained in the Confidential Attachment to this report.

RESOLVED BY EXCEPTION

8.10 RFT 2017/011 - PARKS AND RESERVES MOWING SERVICES

100/17 **RESOLVED**

D Persson

That Council adopt the recommendation contained in the Confidential Attachment to this report.

RESOLVED BY EXCEPTION

8.11 RFT 2017/013 - SEAFORTH OVAL IRRIGATION SYSTEM

101/17 **RESOLVED**

D Persson

That Council adopt the recommendation contained in the Confidential attachment to this report.

RESOLVED BY EXCEPTION

8.12 RFT 2017/037 - DESIGN SERVICES FOR MANLY DAM AND LIONEL WATTS PLAYGROUNDS

102/17 **RESOLVED**

D Persson

That Council adopt the recommendation contained in the Confidential Attachment to this report.

RESOLVED BY EXCEPTION

8.6 DRAFT PALM BEACH PARKING DEMAND MANAGEMENT STRATEGY

103/17 **RESOLVED**

D Persson

That Council:

- A. Endorse the twelve (12) recommended strategies outlined in Attachment 1: Draft Summary of Pittwater Park, Palm Beach Parking Demand Management Strategies.
- B. Support the commencement of a 28 day engagement process to seek community feedback relating to the twelve (12) recommended strategies outlined Attachment 1: Draft Summary of Pittwater Park, Palm Beach Parking Demand Management Strategies.
- C. Prepare a report to Council following the engagement process detailing the final Pittwater Park, Palm Beach Parking Demand Management Strategies, prior to a technical review by the Traffic Committee.

9.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

9.1 NORTHERN BEACHES INDEPENDENT ASSESSMENT PANELS AND DEVELOPMENT ASSESSMENT PANEL - ANNUAL REPORT FOR 2016

104/17 **RESOLVED**

D Persson

That Council forward this report to the Department of Planning and Environment for their information.

9.2 DEACCESSION OF THE FOREST TAPESTRY (1986), FORMERLY PLACED AT THE GLEN STREET THEATRE

105/17 **RESOLVED**

D Persson

That:

- A. *The Forest Tapestry* (1986) be considered for disposal as it is surplus to Council's needs.

- B. The condition for the deaccessioning of a Council artwork that a twelve month 'cooling off period' be waived.
- C. Consideration be given to the tapestry being sold to Ms Ditte Krams, daughter of the lead weaver of the tapestry, for a nominal sum.
- D. The possible sale to Ms Ditte Krams be advertised, in case other claimants exist.

9.3 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS STATE ENVIRONMENTAL PLANNING POLICY NO.1 – DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF MANLY LOCAL ENVIRONMENT PLAN, PITTWATER LOCAL ENVIRONMENT PLAN AND THE WARRINGAH LOCAL ENVIRONMENT PLAN

106/17 **RESOLVED**

D Persson

That Council notes:

- A. The development applications granted approval with variations to development standards under Manly Local Environment Plan 2013 during the period 1 October 2016 and 31 December 2016.
- B. The development applications granted approval with variations to development standards under Pittwater Local Environment Plan 2014 during the period 1 October 2016 and 31 December 2016.
- C. The development applications granted approval with variations to development standards under Warringah Local Environment Plan 2011 during the period 1 October 2016 to 31 December 2016.
- D. The development application granted approval with a variation to development standard under SEPP 64.

9.4 BUILDING FIRE SAFETY REPORT BY FIRE & RESCUE NSW - 10 KOOLOORA AVENUE FRESHWATER

107/17 **RESOLVED**

D Persson

That Council:

- A. Does not issue an Order number 6 under Section 121B of the *Environmental Planning and Assessment Act 1979* for 10 Kooloorra Avenue, Freshwater and take no further action in this matter.
- B. Provide notice to Fire and Rescue NSW of the above determination.

9.5 PLANNING PROPOSAL (PP0002/16) FOR CENTRAL LOCAL PARK WARRIEWOOD - 9,11,12 AND 13 FERN CREEK ROAD, WARRIEWOOD

NOTE: Jillian Sneyd addressed Council on this Item.

108/17 **RESOLVED**

D Persson

That Council:

- A. Note the contents of this report.
- B. Endorse the recommendations of Council's engaged Independent Planning Consultant, MBWA Consulting, as outlined in Attachment 1.
- C. Note the report prepared by Council's Probity Advisor, Procure Group, as outlined in Attachment 2.

9.6 RU4 SECONDARY DWELLINGS PLANNING PROPOSAL

NOTE: The Administrator allowed Mr Michael Symes request from the public gallery to address Council on this Item.

NOTE: Michael Symes addressed Council on this Item.

109/17 **RESOLVED**

D Persson

- A. Council does not proceed with the planning proposal to permit internal and attached secondary dwellings at Terrey Hills and Duffys Forest at this time for the following reasons:
 - a. The NSW Rural Fire Service has made the following recommendations to address concerns about egress from the area in a bushfire emergency:
 - i. The clearing of native vegetation from within the road reserve (at 3 locations along Booralie Road).
 - ii. The clearing of native vegetation within National Park located between 90 and 92 Booralie Road (approximately 2500m²).
 - iii. Conducting hazard reduction burns in Kinka Reserve, the Gun Club and within National Park adjoining Booralie Road.
 - iv. The establishment of a formal road along Weemala Road (currently an unsealed fire trail) south-east from Killawarra Road, including substantial vegetation clearing and a constructed creek crossing.
 - b. The issues raised by the RFS lead the following concerns:
 - i. The cost of design and construction of a formal road along Weemala Road (estimated at between \$3 million and \$4 million is not justified on the basis of net public benefit.
 - ii. Potential impacts on threatened species and endangered ecological communities as a result of proposed clearing of native vegetation in road reserves and within

National Parks.

- iii. Further consultation with NPWS would be required to allow any maintenance and clearing of their land.
 - c. Significant further expenditure would be required to fund the following additional studies prior to exhibition of the planning proposal:
 - i. The costs of reforming Weemala Road and potential traffic impacts from opening the road on a permanent basis.
 - ii. Potential impacts on threatened species and communities and waterways from proposed clearing, road construction and stormwater works.
 - iii. Wastewater/ sewage management.
 - d. Council's draft Affordable Housing Policy and Action Plan focus on the provision of affordable housing in the short to mid-term in the Ingleside release area and the Northern Beaches Hospital precinct, and where Council supports other rezoning of land in existing centres and close to public transport networks.
 - e. The requirement for Council to prepare a Housing Strategy in accordance with the soon-to-be released North District Plan will provide an opportunity to reconsider the planning proposal in the context of an overarching housing policy/ strategy framework for the Northern Beaches Local Government Area.
- B. Council writes to the Department of Planning and Environment informing them that Council will not be proceeding with the Planning Proposal for Secondary Dwellings in the RU4 zone at Terrey Hills and Duffys Forest at this time for the reasons outlined above.

9.7 AFFORDABLE HOUSING POLICY

NOTE: Andrew McAnulty addressed Council on this Item.

110/17 **RESOLVED**

D Persson

- A. That Council delegate authority to the Chief Executive Officer (CEO) under Section 377(1) of the *Local Government Act 1993* to determine whether to adopt the draft Affordable Housing Policy.
- B. That should the Affordable Housing Policy be adopted, it be brought to Council for review within 12 months.

The meeting concluded at 9.03

This is the final page of the minutes comprising 14 pages
numbered 1 to 14 of the Ordinary Council Meeting
held on Tuesday 30 May 2017 and confirmed on Tuesday 27 June 2017

Administrator

Chief Executive Officer