

MINUTES

ORDINARY COUNCIL MEETING

held at Mona Vale Memorial Hall on

TUESDAY 25 JULY 2017

Minutes of an Ordinary Meeting of Council
held on Tuesday 25 July 2017
at Mona Vale Memorial Hall
Commencing at 6.32pm

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
Andy Davies	Executive Manager Transport & Civil Infrastructure
Campbell Pfeiffer	Executive Manager Property
Todd Dickinson	Executive Manager Natural Environment & Climate Change
Sonya Gallery	Executive Manager Governance & Risk
Andrew Pigott	Executive Manager Strategic & Place Planning
Graham Middleton	Executive Manager Communications and Engagement
Alison Osborne	Grants Coordinator
Gabrielle Angles	Executive Manager Customer Service
Lynne Jess	Secretariat Officer
Jasmine Evans	Governance Support Officer

NOTES

The meeting commenced at 6:32pm and concluded at 8:41pm.

1.0 APOLOGIES

Nil

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 27 JUNE 2017

143/17 **RESOLVED**

D Persson

That the Minutes of the Ordinary Council Meeting held 27 June 2017, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting subject to clause B of Minute Item No. 116/17 Adoption of Operational Plan 2017/18 being amended to read as follows:

That:

- A. Council adopts the Draft Operational Plan 2017/18, including Draft Fees and Charges subject to:
 - a. Amending the Operational Plan as detailed in Table 11 in this report.
 - b. Amending the Fees & Charges Schedule as detailed in Table 9 in this report.
- B. The adopted Fees apply from 1 July 2017.
- C. Council make the following rates and charges:
 - a. In accordance with Sections 494 and 495 of the *Local Government Act* 1993 (the Act), Ordinary and Special Rates are made as shown in Tables 2, 3 and 4 in this report;
 - b. In accordance with section 496 of the Act, Domestic Waste Management Charges are made as shown in Tables 5, 6 and 7 in this report;
 - c. In accordance with section 496A of the Act, Stormwater Management Service Charges are made as shown in Table 8 in this report;
 - d. Works on private land carried out by Council to be charged at the appropriate commercial rate (cost of the works and standard on-costs to provide full cost recovery plus a return to Council); and
 - e. In accordance with Section 611 of the Act 1993 a charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.
- D. Council adopts an interest rate of 7.5% to be charged on overdue rates and charges.
- E. Loan funding for the road infrastructure works at the Kimbriki Waste Landfill Site of \$7.815m be included in Council's borrowing return to the Office of Local Government for 2017/18 unless the borrowings under the Local Infrastructure Renewal Scheme approved by Council on 24 February 2015 are executed before 30 June 2017.
- F. Council may carry out work on private land, either on request or by agreement with the owner of the land, or under relevant legislation.
- G. Council approve for exhibition draft Fees at Table 10.

- H. The Beach Parking Permit Policy (Policy No. NBC003) be amended to reflect that residents outside the Northern Beaches LGA are not entitled to purchase Beach Parking Permits.

3.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Nil

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 **Adrian Breakspear made a statement regarding Queenscliff Lagoon off-leash dog area.**
- 4.2 **Jack Steggall, President of Save Manly Oval Alliance, sought support from Council for the heritage listing of Ivanhoe Park.**
- 4.3 **Natalie Warren requested that Council consider joining the Cities Power Partnership to accelerate local action on climate change.**
- 4.4 **David Parsons made a statement on public spaces.**
- 4.5 **Amy Leiper urged Council's communications to be more effective and efficient and provide further education about waste/plastic for the community.**
- 4.6 **Bruce Kitson addressed Council on the Seaforth TAFE site lease to Bupa and community space.**

5.0 ADMINISTRATOR'S MINUTES

- 5.1 **ADMINISTRATOR MINUTE NO 10/2017 - MANLY CBD PARKING EVENING RATE COMMENCEMENT AND DISPLAYING ARTICLES ON FOOTPATHS IN MANLY**

144/17 **RESOLVED**

D Persson

That Council:

- A. Amend the Fees and Charges 2017/18 in regards to:
 - a. Manly CBD car parks to reflect evening flat rate fees commencing at 7pm
 - b. Displaying articles on footpaths in Manly - application fee and 2 year approval with the basis of the charge being amended from 'per application' to 'per square metre'.

6.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

6.1 STRONGER COMMUNITIES FUND - ROUND TWO ALLOCATION

145/17 RESOLVED

D Persson

That Round 2 of the Stronger Communities Fund – Community Grants Program totalling \$500,00 be allocated as agreed by the assessment panel as follows (listed alphabetically by organisation; project name; and funding allocation):

- A. Autism Spectrum Australia ASPECT – Bikes for kids with autism in Vern Barnett School - \$5,106.90
- B. Avalon Beach Historical Society Incorporated – 9th Great Historic Photographic Exhibition - \$5,150
- C. Change Creators Inc. – One Million Coffee Cups - \$10,000
- D. Curly Community Garden – Curly Community Garden Food Forest Project - \$15,000
- E. Disabled Surfers Association of Australia (Sydney branch) – Beach Access Matting & Trailer - \$17,996.79
- F. Fighting Chance Australia – Stronger employment pathways for people with disability on the Northern Beaches - \$50,000
- G. Fisher Rd School P&C Association – Explore for all - \$28,200
- H. Lifeline Northern Beaches – Northern Beaches Suicide Call Back Service \$22,584
- I. Manly Warringah Women's Resource Centre – Northern Beaches White Ribbon walk - \$5,000
- J. Manly Women's Shelter – MWS Internal Bedroom - \$10,360
- K. Mona Vale Golf Club Limited – Wetland Rehabilitation - \$25,106.90
- L. Northern Beaches Indoor Sports Centre – NBISC lighting Upgrade - \$6,800
- M. NSW Justices Association Incorporated – I need a JP - \$5,260
- N. NSW State Emergency Service – Warringah Pittwater Unit – Upgrade of AV Facilities - \$27,676.95
- O. Peninsula Community Gardens Inc. – Community Garden Expansion - \$17,400
- P. Permaculture Northern Beaches – The Green Home - \$24,806.90
- Q. Pioneer Clubhouse – The Hub - \$29,137
- R. Rainbow Club – Swim the Warringah Rainbow 2017 - \$5,000
- S. Rotary Club of Dee Why Warringah Inc. – Community Welfare – Mental Health First Aid Courses - \$5,000
- T. Scotland Island Residents Association – SIRA Water Booking Automation - \$36,800
- U. Special Olympics Australia (Sydney Northern Beaches Region) – Special Olympics Festival

of Sport - \$8,000

- V. StreetWork Incorporated – PRIDE Empowerment Program \$16,950
- W. Sydney Metropolitan Wildlife Services Inc. – Waratah Park Wildlife Monitoring Project \$5,629.54
- X. The Burdekin Association – Youth Support and Intervention Project - \$48,050
- Y. The Cottage Counselling Centre – Teen Anxiety Workshop - \$5,000
- Z. The Link Church Incorporated – Events By The Lake - \$8,700
- AA. Tibetan Friendship Group Australia Incorporated – Pray for World Peace Event - \$5,285
- BB. Wheelchair Rugby League Australia Inc. – Northern Beaches Wheelchair Rugby League - \$50,000

6.2 MONTHLY INVESTMENT REPORT - JUNE 2017

146/17 **RESOLVED**

D Persson

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

7.0 CUSTOMER & CORPORATE DIVISION REPORTS

7.1 NORTHERN BEACHES COUNCIL - COMMUNITY ENGAGEMENT, DIGITAL AND INFORMATION ARCHITECTURE AND ADOPTION OF IDENTITY

NOTE: Lorrie Morgan, Penny Philpott and Gordon Lang addressed Council on this item.

147/17 **RESOLVED**

D Persson

That Council endorse the visual identity and architecture framework for the Northern Beaches Council.

7.2 STRATEGIC REFERENCE GROUPS - STRATEGIC PAPERS

148/17 **RESOLVED**

D Persson

That Council note the achievements, and attached strategic SRG papers, produced by the 11 Strategic Reference Groups during the Council's interim period.

7.3 CUSTOMER EXPERIENCE STRATEGY - OUTCOMES FROM PUBLIC EXHIBITION**149/17 RESOLVED*****D Persson***

That Council adopt the revised Customer Experience Strategy.

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS**150/17 RESOLVED*****D Persson***

That the Order of Business be changed so Items 8.1 Northern Beaches Sports Grounds Strategy and Strategic Implementation Plan 2017 to 2031 - 5.2 Administrator Minute No 11/2017 – District Park Leases and Sports and Community Building Expression of Interest and Tender and Item 8.2 Active Play Program be dealt with immediately and in that order.

8.1 NORTHERN BEACHES SPORTSGROUNDS STRATEGY AND STRATEGIC IMPLEMENTATION PLAN 2017 TO 2031

NOTE: Greg Campbell, Scott Campbell, and Kelvin Millsom addressed Council on this Item.

151/17 RESOLVED***D Persson***

That Council:

- A. Adopt the Northern Beaches Sportsgrounds Strategy and Strategic Implementation Plan 2017 to 2031 as outlined in this report.
- B. Acknowledge the contributions of sporting groups, golf clubs and the Northern Beaches community for their involvement in developing this Strategy.

5.2 ADMINISTRATOR MINUTE NO 11/2017 - DISTRICT PARK LEASES AND SPORTS AND COMMUNITY BUILDING EXPRESSION OF INTEREST AND TENDER**152/17 RESOLVED*****D Persson*****RECOMENDATION:**

That Council proceed to a two stage tender process for 'District Park Leases and Sports and Community Building' as detailed in this Administrator Minute.

8.2 ACTIVE PLAY PROGRAM

NOTE: Doug Menzies addressed Council on this Item.

153/17 RESOLVED

D Persson

That Council:

- A. Approve the following projects and associated estimated funding to be delivered under the Active Play Program over the next 3 years:

Sporting stream (allocation of up to \$2 million)

- a) Tennis Courts, lighting upgrade – Careel Bay Tennis Courts, Hitchcock Park, Avalon – estimated cost \$25,000
- b) Convert greens to two futsal courts with lighting Manly Vale Calabria Bowling Club – Manly Vale – estimated cost \$140,000
- c) Convert two tennis courts to two futsal Courts – Wakehurst Tennis Centre, Seaforth – estimated cost \$70,000
- d) Upgrade to clubhouse and community centre – Lionel Watts Reserve, Frenchs Forest – estimated cost \$500,000
- e) Sportsfield lighting upgrade to LED – Forestville Park, Forestville – estimated cost \$145,000
- f) New Pump Track (BMX) – JJ Melbourne Hills Reserve, Terrey Hills – estimated cost \$150,000
- g) New sportsfield lighting and drainage– Passmore Reserve, Manly Vale – estimated cost \$300,000
- h) New sportsfield lighting – Frank Gray & Mike Pawley Reserves (John Fisher Park) Curl Curl – estimated cost \$440,000
- i) Sportsfield lighting upgrade – LM Graham Reserve, Fairlight – estimated cost \$90,000
- j) New sports field and lighting – Nth Narrabeen Reserve, Nth Narrabeen – estimated cost \$140,000

Surf Club stream (allocation of up to \$2 million)

- k) South Narrabeen SLSC - Installation of a Lift – estimated cost \$203,500
- l) North Steyne SLSC - access ramp and accessibility upgrades including addition of accessible public toilets, improvements to internal and external stairs, and improvements to male and female toilets; – estimated cost \$200,000
- m) Warriewood SLSC - Accessibility upgrade to club entry and installation of lift – estimated cost \$337,500
- n) Queenscliff SLSC – Installation of lift – estimated cost \$150,000
- o) Mona Vale SLSC – accessibility components in new building – estimated cost \$554,500
- p) Long Reef SLSC – accessibility components in new building – estimated cost

\$554,500.

- B. Authorise the Chief Executive Officer to amend allocated funding estimates if required in line with the final assessed project costs.

7.0 CUSTOMER & CORPORATE DIVISION REPORTS

7.4 DIGITAL TRANSFORMATION STRATEGY

154/17 **RESOLVED**

D Persson

That Council adopt the Northern Beaches Council Digital Transformation Strategy.

7.5 COMPLAINTS MANAGEMENT FRAMEWORK

155/17 **RESOLVED**

D Persson

That:

- A. The Draft Complaints Management Policy be placed on public exhibition for a period of 28 days;
- B. The submissions received be brought back to Council for consideration for the adoption of the Policy.

7.6 POLICY REVIEW PROJECT - REVOKING AND ADOPTING OF POLICIES

156/17 **RESOLVED**

D Persson

That Council:

- A. Adopt the following policies:
- 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
- B. Revoke the following policies:
- a. Allocation of Funds Obtained from the Sale of Council Real Property Policy

- b. Property Acquisition Reserve Fund
- c. Code of Conduct – Community and Other Council Committees Policy

7.7 ALTERNATIVE PROCUREMENT FOR THE SUPPLY OF HIGH PERFORMANCE LEADERSHIP COACH PROGRAM FOR LEVEL 4 MANAGERS NORTHERN BEACHES COUNCIL

157/17 RESOLVED

D Persson

That Council:

- A. Pursuant to Section 55 (3) (i) of the Local Government Act, resolves that a satisfactory result would not be achieved by inviting tenders for the provision of a High Performance Leadership Coach Program for Level 4 Managers because of the following extenuating circumstances:
 - i) Griffith Consulting Group has successfully delivered the program to the Executive Managers of Northern Beaches Council and the Senior Leadership Group, Line Managers and non-supervisory staff of the former Warringah Council. It is considered that a satisfactory result will not be achieved by inviting tenders as it would drive inconsistency into the leadership approach of Council. There is significant benefit in having the program delivered by the same organisation to ensure consistency. In addition, the Level 4 Managers have recently participated in an organisational structure change and will be in the forming stage as a cohort.
- B. That Council delegate authority to the Chief Executive Officer to negotiate and enter into a contract with Griffith Consulting Group for the provision of the High Performance Leadership Coach Program up to the limit of \$295,000.

7.8 NOTES OF THE IMPLEMENTATION ADVISORY GROUP AND LOCAL REPRESENTATION COMMITTEE MEETINGS

158/17 RESOLVED

D Persson

That Council note the Meeting Notes from the:

- A. Implementation Advisory Group (IAG) meetings held on 5 April, 3 May and 7 June 2017.
- B. Local Representation Committee (LRC) meetings held on 19 April, 17 May and 31 May 2017 (extraordinary).

8.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

8.3 FINAL WEST NEWPORT PARKING DEMAND MANAGEMENT STRATEGY

159/17 **RESOLVED**

D Persson

That Council:

- A. Adopt the Final West Newport Parking Demand Management Strategy.
- B. Commence implementation of the recommendations outlined in the Final West Newport Parking Demand Management Strategy as a priority.

NOTE: The Administrator dealt with Items 8.4, 8.5 and 8.6 by exception with the recommendations of the General Manager being adopted.

8.4 BARRENJOEY ROAD PALM BEACH - PROPOSED ROAD RESERVE CLOSURE AND SALE OF LAND ADJACENT TO 1153 BARRENJOEY ROAD PALM BEACH

160/17 **RESOLVED**

D Persson

That Council:

- A. Authorise an application to NSW Department of Industry – Lands for road reserve closure under the provisions of the Roads Act 1993 for the road identified in this report being part Barrenjoey Road, Palm Beach adjacent to 1153 Barrenjoey Road, Palm Beach (Lot 9A DP 13374).
- B. Dispose of the subject land in accordance with its Road Reserve and Streetscape Management Policy No 193 and Property Management Policy No 200 (purchase price subject to independent valuation) and the sale is subject to the land being consolidated with the adjoining land at 1153 Barrenjoey Road, Palm Beach (Lot 9A DP 13374).
- C. Authorise the Chief Executive Officer or the authorised delegate to execute all documentation necessary in order to give effect to this resolution.
- D. Authorise all costs associated with the proposal referred to in this resolution, including but not limited to, Council's legal costs and GST if applicable, be funded by the applicant.

RESOLVED BY EXCEPTION

8.5 FLORIDA ROAD PALM BEACH - PROPOSED RESERVE CLOSURE AND SALE OF LAND ADJACENT TO 61 FLORIDA ROAD PALM BEACH

161/17 **RESOLVED**

D Persson

That Council:

- A. Authorise an application to NSW Department of Industry – Lands for road reserve closure under the provisions of the Roads Act 1993 for the road identified in this report being part

Florida Road, Palm Beach adjacent to 61 Florida Road, Palm Beach (Lot B DP306403).

- B. Dispose the subject land in accordance with its Road Reserve and Streetscape Management Policy No 193 and Property Management Policy No 200 (purchase price subject to independent valuation) and the sale is subject to the land being consolidated with the adjoining land at 61 Florida Road, Palm Beach (Lot B DP306403).
- C. Authorise the Chief Executive Officer or the authorised delegate to execute all documentation necessary in order to give effect to this resolution.
- D. Authorise all costs associated with the proposal referred to in this resolution, including but not limited to, Council's legal costs and GST if applicable, be funded by the applicant.

RESOLVED BY EXCEPTION

8.6 FLORIDA ROAD PALM BEACH - PROPOSED ROAD RESERVE CLOSURE AND SALE OF LAND ADJACENT TO 71 FLORIDA ROAD PALM BEACH

162/17 **RESOLVED**

D Persson

That Council:

- A. Authorise an application to NSW Department of Industry – Lands for road reserve closure under the provisions of the Roads Act 1993 for the road identified in this report being part Florida Road, Palm Beach adjacent to 71 Florida Road, Palm Beach (Lot B DP340775).
- B. Dispose of the subject land in accordance with its Road Reserve and Streetscape Management Policy No 193 and Property Management Policy No 200 (purchase price subject to independent valuation) and the sale is subject to the land being consolidated with the adjoining land at 71 Florida Road, Palm Beach (Lot B DP340775).
- C. Authorise the Chief Executive Officer or the authorised delegate to execute all documentation necessary in order to give effect to this resolution.
- D. Authorise all costs associated with the proposal referred to in this resolution, including but not limited to, Council's legal costs and GST if applicable, be funded by the applicant.

RESOLVED BY EXCEPTION

8.7 ADOPTION OF AVALON TO PALM BEACH FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

163/17 **RESOLVED**

D Persson

That Council:

- A. Adopt the Avalon to Palm Beach Floodplain Risk Management Study and Plan (NSW Public Works, June 2017).
- B. Update Section 149 (2) certificates for properties identified under the Avalon to Palm Beach Floodplain Risk Management Study and Plan (NSW Public Works, June 2017) as being subject to flood related development controls.

8.8 ADOPTION OF AMENDMENTS TO POLICIES AND DEVELOPMENT CONTROL PLANS FOR FLOOD PRONE LAND

164/17 **RESOLVED**

D Persson

That Council:

- A. Adopt modifications to the Manly Development Control Plan (2013) to replace clause 5.4.3 with the attached Flood Prone Land DCP clause, and make other amendments as outlined in the attached Summary of required DCP amendments.
- B. Adopt modifications to the Warringah Development Control Plan (2011) to replace clause E11 with the attached Flood Prone Land DCP clause, and make other amendments as outlined in the attached Summary of required DCP amendments.
- C. Adopt 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 attached Flood Prone Land DCP clause.
- D. Adopt modifications to the Pittwater 21 Development Control Plan (2015) to make other amendments as outlined in the attached Summary of required DCP amendments.
- E. Adopt the attached Flood Risk Management Policy (2017).
- F. Rescind the Interim Policy - Flood Prone Land (2013).
- G. Rescind Appendix 8 of the Pittwater 21 Development Control Plan (2015).
- H. Remove Appendix 15 of the Pittwater 21 Development Control Plan (2015) and adopt as a new attached Council policy.
- I. Adopt the attached amended Water Management Policy (2017).
- J. Notify the above amendments to Development Control Plans in accordance with the requirements of the Environmental Planning and Assessment Act (1979) and associated regulations.

8.9 ADOPTION OF THE MCCARRS CREEK, MONA VALE AND BAYVIEW FLOOD STUDY

165/17 **RESOLVED**

D Persson

That Council:

- A. Adopt the attached McCarrs Creek, Mona Vale and Bayview Flood Study (Royal HaskoningDHV, July 2017).
- B. Update Section 149 (2) certificates for properties identified under McCarrs Creek, Mona Vale and Bayview Flood Study (Royal HaskoningDHV July 2017) as subject to flood related development controls.

9.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

9.1 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS STATE ENVIRONMENTAL PLANNING POLICY NO.1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF LOCAL ENVIRONMENT PLANS

166/17 **RESOLVED**

D Persson

That Council notes the development applications granted approval with variations to development standards.

9.2 PLANNING PROPOSAL FOR PART OF 30 MYOORA ROAD, TERREY HILLS

167/17 **RESOLVED**

D Persson

That Council rejects the Planning Proposal lodged for 30 Myoora Road Terrey Hills, and does not submit it to the Department of Planning and Environment for a Gateway Determination, for the following reasons:

1. The Planning Proposal is inconsistent with the objectives of the RU4 Primary Production Small Lots zone applying to the land under Warringah Local Environmental Plan 2011.
2. The Planning Proposal is inconsistent with Local Planning Direction 1.2 – Rural Zones.
3. It has no strategic merit or site-specific merit when assessed in accordance with the NSW Planning & Environment's Planning Proposals: A guide to preparing planning proposals (2016)
4. Insufficient evidence has been provided to demonstrate that land is not available within areas already zoned to permit a "transport depot" i.e. B5 Business Development and IN1 General Industrial under Warringah Local Environmental Plan 2011 and B7 Business Park and IN2 Light Industrial zones under Pittwater Local Environmental Plan 2014.
5. The development proposal is not considered an appropriate development outcome as it has the potential to exacerbate traffic and associated noise impacts in the area, and in particular noise impacts associated with the movement of buses between 10 pm and 7 am.

9.3 DEE WHY TOWN CENTRE DRAFT DEVELOPMENT CONTRIBUTIONS PLAN

168/17 **RESOLVED**

D Persson

That:

- A. Council endorses the preparation of a draft Section 94 Plan for the Dee Why Town Centre.
- B. A report is provided to Council on the draft Section 94 Plan prior to its public exhibition in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

The meeting concluded at 8:41pm

This is the final page of the minutes comprising 15 pages
numbered 1 to 15 of the Ordinary Council Meeting
held on Tuesday 25 July 2017 and confirmed on Tuesday 22 August 2017



Administrator

Chief Executive Officer

