

AGENDA

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

Tuesday 13 September 2016

Beginning at 6:30pm for the purpose of considering and determining matters included in this agenda.



Mark Ferguson
General Manager

Issued: 08/09/2016

OUR VALUES

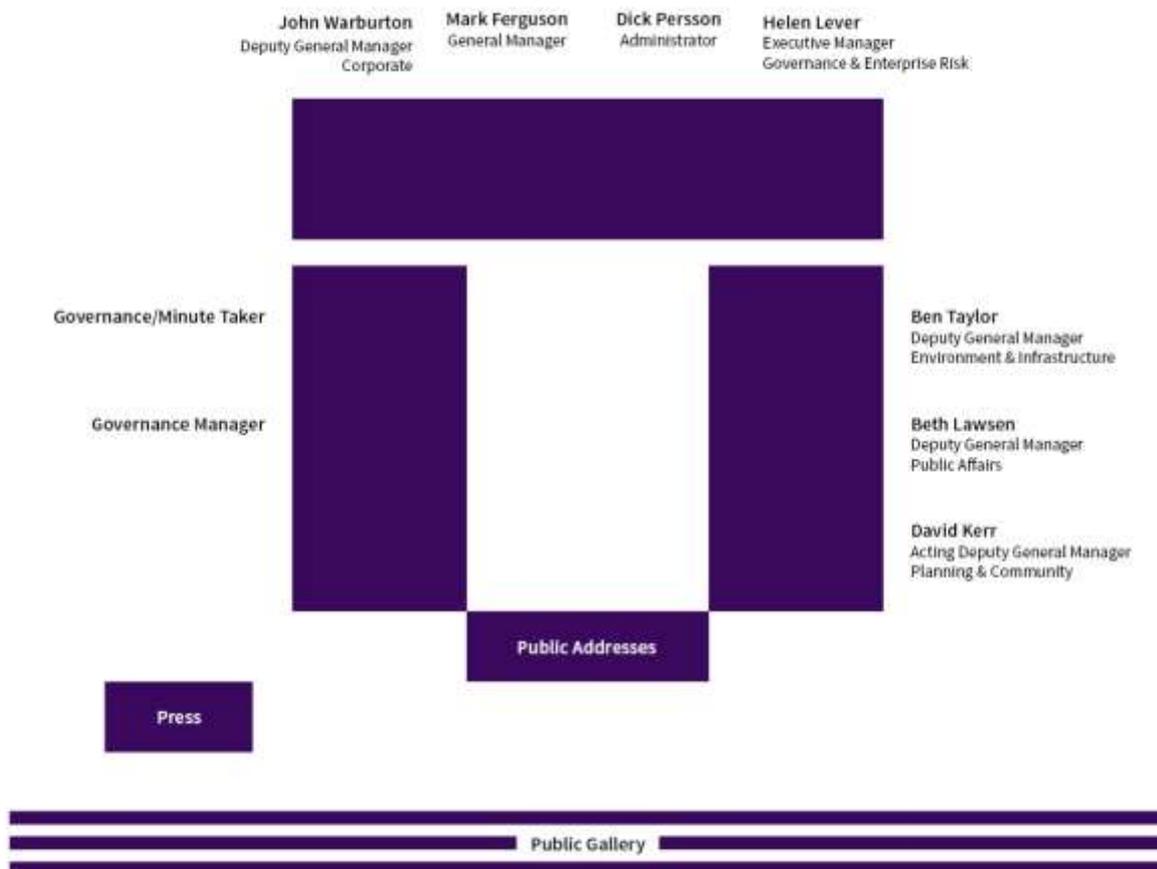
Respect

Empowerment

Service

Wellbeing

Equity



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 13 September 2016
at Manly Chambers
Commencing at 6:30pm**

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2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 23 AUGUST 2016

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 23 August 2016, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

6.0 GENERAL MANAGER'S REPORTS

ITEM 6.1	POWER OF ATTORNEY
REPORTING MANAGER	EXECUTIVE LEGAL COUNSEL
TRIM FILE REF	2016/288328
ATTACHMENTS	1 ↓ General Power of Attorney

EXECUTIVE SUMMARY

PURPOSE

To grant Power of Attorney to the General Manager and relevant Deputy General Managers.

SUMMARY

It is appropriate that Council grants to its General Manager and relevant Deputy General Managers the authority to execute all documents which give effect to resolutions of Council or which give effect to its functions delegated to them as attorneys.

FINANCIAL IMPACT

Nil

SOCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That Council

- A. Grant a Power of Attorney to Mr Mark Ferguson, General Manager, Dr John Warburton, Deputy General Manager Corporate Services, Ms Lisbeth Lawsen, Deputy General Manager Public Affairs and Public Officer, and Mr Benjamin Taylor, Deputy General Manager Environment & Infrastructure, effective on and from 14 September 2016 to execute documents, dealings and instruments relating to the matters detailed in the draft instrument attached to this report and that any previous Power of Attorney be revoked effective on and from 14 September 2016.
 - B. Affix the Common Seal of Council to the Power of Attorney.
-

GENERAL POWER OF ATTORNEY

Part 1

THIS POWER OF ATTORNEY is made on the _____ day September 2016 by NORTHERN BEACHES COUNCIL (the Council) of 1 Park Street Mona Vale.

As principal, the Council of 1 Park Street Mona Vale hereby appoints Mark Ferguson, General Manager, of 1 Park Street Mona Vale; John Warburton, Deputy General Manager Corporate Services, of 1 Park Street Mona Vale; Lisbeth Lawsen, Deputy General Manager Public Affairs and Public Officer of 1 Park Street Mona Vale; and Benjamin Taylor, Deputy General Manager Environment & Infrastructure of 1 Park Street Mona Vale to be its attorneys, jointly and severally, to exercise, subject to the conditions and limitations specified in Part 2 of this Instrument, the authority conferred on them by Part 2 of the Powers of Attorney Act 2003 to do on Council's behalf anything it may lawfully authorise an attorney to do.

This Power of Attorney operates on and from 14 September 2016.

Part 2

This Power of Attorney is limited to the execution of documents which give effect to:

- (a) resolutions of the Council where resolutions are required for the exercise of a function; or
- (b) functions which have been delegated to the Attorney.

This Power of Attorney does not operate as a delegation of any function of the Council for the purposes of section 377 of the Local Government Act 1993.

IN WITNESS WHEREOF the Council has hereunto set its Seal on the date abovementioned.

The Common Seal of NORTHERN BEACHES COUNCIL }

Was hereunto affixed on the _____ day of September } Dick Persson, Administrator

2016 pursuant to the resolution of the Council made on }

the 14th day of September 2016 in the presence of } Mark Ferguson, General Manager

Note : General Attorney responsibilities

Attorneys must do the following as applicable :

- (a) *Keep principal's money and property separate from the attorney's money and property.*
- (b) *Keep reasonable accounts and records of principal's money and property.*
- (c) *Not benefit from being an attorney, unless expressly authorised by the principal.*
- (d) *Always act in the principal's best interests.*
- (e) *Always act honestly in all matters concerning the principal's legal and financial affairs.*

Failure to do so may incur civil and/or criminal penalties.

ITEM 6.2	NORTHERN BEACHES COUNCIL DRAFT IMPLEMENTATION PLAN
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2016/300849
ATTACHMENTS	1 ⇒ Northern Beaches Council Draft Implementation Plan (Included In Attachments Booklet)

REPORT

PURPOSE

To consider the Northern Beaches Council Draft Implementation Plan (the Plan).

REPORT

The Programme Management Office has prepared the Northern Beaches Council Draft Implementation Plan in order to:

- provide a clear framework for implementation of the Northern Beaches Council
- ensure that the process of building a new organisation is well organised and carefully considered, and
- effectively communicated to staff and the community.

The Plan is intended to provide guidance for staff and the community on how the implementation of Northern Beaches Council will be undertaken between now and September 2017. The Plan has recently been reviewed by the newly appointed Strategic Executive Managers, whose role is to work together with the Operational Managers and the Executive, to facilitate and drive integration and transformation within specific work streams of council.

Plan monitoring and achievements of milestones will be ongoing throughout Phase One and beyond. Additionally, the Northern Beaches Council will continue to report to the Department of Premier and Cabinet against the road map and delivery of the Implementation Plan on a regular basis. To date, Council has met all objectives set down by the Department of Premier and Cabinet either on time or ahead of schedule.

FINANCIAL IMPACT

Savings of close to \$3 million annually have already been made and reported to Council in August. This figure is expected to increase substantially as integration and transformation progresses throughout the organisation. It is envisaged that net savings will be set aside in a Merger Savings Fund to provide an on-going pool of money for projects that directly benefit the community.

ENVIRONMENTAL IMPACT

Social impacts and achievements already accomplished were reported to Council during August in the Transformation Update: Reflection on day 1-60 Progress report. These benefits are expected to grow as the organisation works towards further integration and transformation.

SOCIAL IMPACT

It is anticipated that through the merging of the three former Councils, management of the environment will be improved. These benefits are expected to be realised as the organisation harmonises policies, service models and practices, transforming the way in which environmental services are delivered.

RECOMMENDATION OF GENERAL MANAGER

That Council:

- A. Note the Draft Implementation Plan.
 - B. Submit the Draft Implementation Plan to the Department of Premier and Cabinet.
-

7.0 CORPORATE SERVICES DIVISION REPORTS

ITEM 7.1	NORTHERN BEACHES COUNCIL DRAFT CODE OF MEETING PRACTICE
REPORTING MANAGER	DEPUTY GENERAL MANAGER CORPORATE SERVICES
TRIM FILE REF	2016/252275
ATTACHMENTS	1 📄 Draft - Code of Meeting Practice - Northern Beaches Council (Included In Attachments Booklet)

REPORT

PURPOSE

To endorse and place on public exhibition the Draft Code of Meeting Practice for the Northern Beaches Council.

REPORT

As part of the Local Government (Council Amalgamations) Proclamation 2016 of 12 May 2016, the Minister proclaimed that the Code of Meeting Practice (“The Code”) for the newly formed Northern Beaches Council, would be that of the former Manly Council.

This Code has been in use for the initial meetings of the Council, however, the Administrator has sought a new Code for the Council to reflect greater public participation in the administration of future meetings both under Administration, and longer term with the return of the elected Council in September 2017.

The three (3) previous Codes, as well as other Codes such as the Ashfield Council Code (highlighted by the Office of Local Government (OLG) as best practice), have all been reviewed. It is noted that whilst legislation sets out certain procedures that must be followed in Council and Committee meetings, beyond this, meeting procedures may be varied and differences adopted by councils which usually reflect local and historical practices and priorities.

Whilst Council has no authority to amend the requirements of either the Act or Regulations, and the OLG’s *Meeting Practice Note 16* (dated August 2009) should be used as a base document, supplementary provisions can be adopted to enhance the meeting process, to address specific elements of public participation and also to address matters not contained within the Act or Regulations.

The Draft Code will be placed on public exhibition for a period of 42 days, after which time a further report will be presented to Council to respond to any submissions received during the exhibition period.

FINANCIAL IMPACT

The Draft Code will be advertised in the Manly Daily and placed on Council’s webpage(s) and advertised via social media. The cost of advertising will be provided within Council’s existing advertising budget.

SOCIAL IMPACT

The Draft Code provides greater public participation by extending the Public Forum item. The public will be offered the opportunity to make submissions on the Draft Code which will be considered at a future Council meeting.

ENVIRONMENTAL IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER CORPORATE SERVICES

That:

- A. The Draft Northern Beaches Council Code of Meeting Practice be placed on Public Exhibition for a period of 42 days.
 - B. A further report be brought back to Council at the end of the exhibition period addressing any submissions received.
-

8.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

ITEM 8.1	PROPOSED LICENCE AGREEMENT OVER A PORTION OF NARRABEEN GOLF DRIVING RANGE
REPORTING MANAGER	EXECUTIVE MANAGER, PROPERTY MANAGEMENT & COMMERCIAL (OPERATIONS)
TRIM FILE REF	2016/287965
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To endorse the proposed Licence with Teed Up Management Pty Ltd to allow a third party operator to operate an ancillary business within the Pittwater Golf Centre.

SUMMARY

Council has an existing agreement with Teed Up Management Pty Ltd (Teed Up) for the management and operation of the Pittwater Golf Centre. The parties have identified an opportunity through the proposed Licence agreement, for a third party (Cool Clubs Australia Trust) to operate a golf club fitting technology business within the centre on the following proposed terms:

- Licence Term: 5 years
- Commencement annual Licence fee: \$68,161 excluding GST with 3% p.a. increases
- An initial investment of \$90,000 excluding GST by Council for building improvement works
- Teed Up to manage the third party operator through a separate agreement
- The proposed licence agreements have been prepared by council's lawyers

The proposed Licence was exhibited from 23 December 2015 to 3 February 2016 under Section 47A of the Local Government Act 1993.

This report recommends Council adopt the proposed licence.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Grant a Licence agreement with Teed Up Management Pty Ltd for a portion of Council owned land within the Narrabeen Golf Driving Range complex as outlined in the report.
 - B. Delegate authority to the General Manager to execute all documentation necessary in order to give effect to this resolution.
-

REPORT

BACKGROUND

At its meeting of 21 December 2015, Northern Beaches Council (former Pittwater Council) resolved the following;

- “1. That Council endorse the notification and public exhibition of the proposed Licence agreement with Teed Up Management Pty Ltd for a portion of the Narrabeen Golf Driving Range for a period of 42 days.
2. That a report be brought back to Council following the exhibition period advising of the outcomes of the consultation process.”

The Narrabeen Golf Driving Range (Driving Range) is a Council owned facility located at 1472-1518 Pittwater Road, Warriewood.

Council at its meeting of 20 December 2013 considered a report on the management of the Narrabeen Golf Driving Range and the Avalon Golf Course and resolved to authorise the execution of a management agreement with Teed Up Management Pty Ltd for both facilities.

Under the management agreement, Teed Up has been managing the Driving Range since February 2014 and has recently identified an opportunity whereby the southern shed of the Driving Range be sub-licensed to a third-party operator in order to enhance the usability of recreational facilities and maximise income. A licence agreement between Council and Teed Up is required to facilitate a sub-licence with the third party operator. A proposed Licence has been prepared.

The proposed licence was exhibited from 23 December 2015 to 3 February 2016. Five submissions were received during this period. A summary of the key themes, and council's response to submissions received, is included within this report.

Following exhibition of the proposed Licence, the following amendments have been made and agreed to in principal by Teed Up;

- Teed Up is to provide Director's guarantee and indemnity for the first two years of the term in Clause 20.5, ensuring Council's investment in the infrastructure is covered by the guarantee.
- Insertion of clause 37 which enables Council to terminate the licence if Teed Up does not exercise the option of the management agreement by 7 February 2019.
- Insertion of clause 38 to deal with concerns raised by Teed Up in regards to handover of the premises by way of introducing a final inspection upon completion of the building improvement works.
- Teed Up are required to increase public liability cover from \$10m to \$20m in Item 12 of the Reference Schedule.

CONSULTATION

The proposed licence was on public exhibition for 42 days from 23 December 2015 to 3 February 2016.

In accordance with former Pittwater Council's Community Engagement Policy, a public notice was placed in the Manly Daily on the community notice board on 13 January 2016. The proposed licence agreement was also made available electronically on former Pittwater Council's website and in hard copy at Mona Vale and Avalon Customer Service Centre's and libraries.

A total of 154 letters of Public Notice were posted to adjoining residents and business owners of the subject site on 5 January 2016.

FINANCIAL IMPACT

The licence attracts an income of \$68,161 excluding GST per annum, with 3% per annum increases. Council will make an initial investment of \$90,000 excluding GST to improve the proposed licenced area, subject to Council's endorsement of the licence. These funds are included within Council's capital works program.

SOCIAL IMPACT

The proposed licence agreements are consistent with the objectives in the Plan of Management for North Narrabeen Reserve, enabling the provision of a high quality multipurpose sporting facility within the Council area.

ENVIRONMENTAL IMPACT

There will be no impact on the natural environment arising from the licence of the subject land for the use as a golf related operation.

SUBMISSION KEY THEMES SUMMARY AND RESPONSE TABLE

Key Theme	Council Response
Clarification required as to how the Licence and Management Agreement work concurrently.	The existing management agreement states that Council and the manager (Teed Up) may enter into a separate licence agreement for the operation and use of any part of the Driving Range. As such, Council proposes to enter into a licence agreement with Teed Up and the third party operator.
Concerns whether the proposed use is permissible on community land, and that the existing Plan of Management (POM) is out of date.	The POM for North Narrabeen Reserve authorises the proposed use of the land for a golf Driving Range, and outlines that commercial activity is being permitted with its community land classification. The Plan of Management for North Narrabeen Reserve was adopted by Council in November 2004. Plans of Management are generally not updated to reflect new leasing, licencing or agreements as these are bound to change from time to time.
Concerned that this Licence will be the first of several new licences for the Driving Range.	Council has no intention of introducing additional licensees to the Driving Range beyond the proposed Licence.
Concerns that Council has granted a lease/licence of more than 21 years as the Driving Range has been in use for 34 years.	The Driving Range has been in operation for 34 years through various operators. Council has not granted a lease/licence to a single operator for a term in excess of 21 years.
Concerns regarding potential future changes to car parking arrangements.	Council has no intention to change existing arrangements for unallocated parking within the Driving Range car park. The proposed Licence, however, states that any change of parking rules are at Council's absolute discretion, should it ever need to change in the future.
Concerns that there is not enough information on the possible third party ie. Cool	The manager of the facility has recommended the third party, and has accepted responsibility and all liability for the third party for the first two years, through the proposed Licence agreement

Clubs.	with Council. Council has also undertaken reference checks of the third party operator.
Concerns related to increased competition for existing club sales resulting in a reduction of profit share of golf club sales in the current pro shop.	The proposed third party is considered a value-added service, which will operate in conjunction with existing services. It is anticipated that Council will receive a significant net positive return under this arrangement.
Concerns over the lack of community consultation process in 2014 when Council entered into the management agreement with Teed Up.	Council has, and continues to, adhere to it legislative requirements regarding notification to the public in relation to leases, licences and other agreements. This was demonstrated in 2014 through an open market tender process.
Concerns that the general public has not received information regarding previous agreements and the performance of the Driving Range	This information can be requested from Council on application.
Suggest Council conduct an open space review and provide new Plan of Management for North Narrabeen Reserve.	This will be considered as part of a wider review of the Northern Beaches Council.
Concerns whether the 2014 management agreement is appropriate for the Driving Range.	The adoption of the Management Agreement went through the required public notification and council approval processes at the time and cannot be reviewed until the completion of the agreement on the 07/02/2024 or 07/02/2019 should Teed Up not proceed with their renewal option.
Clarification regarding the measurements of the proposed licence area.	The Licence document has been updated to 7.4m x 16.4m reflecting the architects measurements
Clarification regarding the proposed demolition works.	Under the proposal, Council will demolish the internal partitions of the southern shed. The metal awning structure will remain.

MAP INDICATING SOUTH SHED



ITEM 8.2	PUBLIC COPY - TENDER T10/15 - PROVISION OF LANDSCAPE MAINTENANCE SERVICES
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE
TRIM FILE REF	2016/300222
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek approval from Council to authorize the execution of contracts with recommended suppliers for Tender T10/15 - Provision of Landscape Maintenance Services.

SUMMARY

The former Pittwater Council undertook a public Request for Tender to seek a panel of Contractors to provide landscape maintenance services to Council. Twelve (12) tender submissions were received from:

- The Organic Mechanics Grounds Maintenance Pty Ltd
- Solid Ground Landscaping Pty Ltd
- Skyline Landscape Services Pty Ltd
- C.J Murphy Tree Recycling Services Pty Ltd
- Prime Facility & Asset Management Pty Ltd
- Marsupial Landscape Management
- Luhrmann Environment Management Pty Ltd
- Landscape Solutions Australia
- Green Options
- Landscape Productions Pty Ltd
- Image Property Detailing
- Spring Horticultural & Garden Services Pty Ltd

The Tender Evaluation is presented to Council for consideration in the confidential section of this Agenda.

Note: Reports to Council for Tenders are in two components:

- The open report provides an outline of the tender and the process
- The detailed assessment of the tenders is 'commercial in confidence' in accordance with Section 10A(2) of the Local Government Act and as such is included as a confidential attachment – see Confidential Section of this Agenda

**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT &
INFRASTRUCTURE**

That the recommendation contained in the Confidential Agenda, Item No. 11.1 Tender Assessments for T10/15 (Provision of Landscape Maintenance Services) be adopted.

REPORT

BACKGROUND

The Northern Beaches Council has as part of its service of works the need to procure landscape maintenance and related services as part of its ongoing responsibility for the maintenance, upkeep and construction of Council assets.

Through the tender process, Council seeks to improve the availability, quality and economy of services to be obtained, by providing staff with a panel of suitably qualified applicants to undertake the nominated landscape maintenance services on behalf of Council throughout the LGA.

A panel is in place for the area covered by the former Warringah Council and this panel is proposed for the area covered by the former Pittwater Council. The contract period offered for the Provision of Landscape Maintenance Services is a one (1) year period with one (1) optional extension of one (1) year at Council's sole discretion to enable consolidation into a single panel in the future.

CONSULTATION

Tender Process and Assessment

The tender process was facilitated by the former Pittwater Council and was via an open invitation. Tenders were called in accordance with Section 55 of the Local Government Act and Clauses 168 and 177 of the Local Government Regulation. Tender documentation included the Conditions of Tender, Schedules, the Specification for the Nominated Services, General Conditions of Contract and Special Conditions of Contract.

Tender Advertising and Closing date

The Tender was released via the former Pittwater Council Tenderlink website on the 5 April, 2016. The closing date was 11am, 28 April, 2016.

Receipt of Tenders

As per the call for tenders, the tenders could be received via Council's Tender Box located at Mona Vale or via Council's Tenderlink portal prior to the specified tender closing time/date of 11am, 28 April, 2016.

Tender Opening & List of Tenders Received

At the specified tender opening time, twelve (12) tenders were received via Tenderlink and were duly registered by Council. Tenderers are listed in no particular order, as follows:

Tenderers

- The Organic Mechanics Grounds Maintenance Pty Ltd
- Solid Ground Landscaping Pty Ltd
- Skyline Landscape Services Pty Ltd
- C.J Murphy Tree Recycling Services Pty Ltd
- Prime Facility & Asset Management Pty Ltd
- Marsupial Landscape Management
- Luhrmann Environment Management Pty Ltd

- Landscape Solutions Australia
- Green Options
- Landscape Productions Pty Ltd
- Image Property Detailing
- Spring Horticultural & Garden Services Pty Ltd

Outline of Tender evaluation process

Tenders contain commercial in confidence information. As such under Section 10A(2) of the Local Government Act the detailed assessment of tenders is included in the confidential section of this Agenda.

A Tender Evaluation Panel (TEP) was specifically formed to confidentially assess the tenders received. The TEP has provided a confidential assessment with covering report and recommendations for formal consideration by Council. The TEP takes into consideration the following steps as part of its confidential assessment:

- Probity checks including a declaration as to any conflict of interest or pecuniary interest associated with the tender.
- Initial assessment & cull – this assesses compliance with the call for tender requirements, any company not conforming is culled (not considered further) from the next stages of the tender assessment process
- Detailed assessment of remaining tenders then takes place, including performance against the tender evaluation criteria. The tender was assessed using the following criteria:

Mandatory Criteria

Criteria - Mandatory	Pass/Fail
Compliance with conditions of tender and submission of all documentation required by the request for tender - Submission of all forms (1-10)	Pass/Fail
Financial capacity of Tenderer – Form 2A	Pass/Fail
Form of Tender compliance – Form 4	Pass/Fail
Statutory Declaration – Form 5	Pass/Fail
Compliance with WH&S legislation – Form 7	Pass/Fail
Insurance from Insurance company (not broker) - Form 8	Pass/Fail
Departures, qualifications and compliance with Specification – Form 10	Pass/Fail

Scored Criteria

Criteria - Scored	Weighting
Pricing, schedule of rates – Form 1	25%
Key personnel, including subcontractors – Form 2B	20%
Relevant past experience in undertaking similar work – Form 3	20%
Quality assurance systems and procedures – Form 6	25%
Environmental sustainability & social equity – Form 9	10%

TIMING

The contract is for a one (1) year period with one (1) optional extension of one (1) year at Council's sole discretion.

FINANCIAL IMPACT

Funding for these services has been made available in the current financial year 2016/17.

SOCIAL IMPACT

The overarching aims of the Provision of Landscape Maintenance Services will be to:

- Provide the Northern Beaches Council a panel of contractors for use in the area of the former Pittwater Council with which to procure landscape maintenance and related services in order to provide ongoing maintenance, upkeep and construction of Council assets.

ENVIRONMENTAL IMPACT

The tender documentation also included a questionnaire covering aspects of environmental sustainability. Tenderers provided information relating to products used, waste management, energy and water efficiency as well as recycling and were scored accordingly.

9.0 PLANNING & COMMUNITY DIVISION REPORTS

ITEM 9.1	'PETER AND THE BULLOCK' (STATUE LOCATED AT 1667 PITTWATER ROAD, MONA VALE)
REPORTING MANAGER	EXECUTIVE MANAGER, STRATEGIC LAND USE PLANNING (OPERATIONS)
TRIM FILE REF	2016/283673
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To report the findings of investigations undertaken into the viability of refurbishing the statue known as 'Peter and the Bullock' (located at 1667 Pittwater Road, Mona Vale) and bringing the item into public ownership in response to a Council resolution (the former Pittwater Council) on 19 October 2015.

SUMMARY

The former Pittwater Council undertook a Community Based Heritage Study (CBHS) in 2014-2015. As part of that study, the statue known as "Peter and the Bullock" was nominated by a member of the community as a potential local heritage item. However, the investigations revealed that the statue made of ferro-cement construction, has been exposed to the weather for several years and has suffered significant damage as a consequence.

As part of the reporting process for the Community Based Heritage Study, a report was presented to Council on 19 October 2015 that stated inter alia:

- (i) the statue had deteriorated to an advanced, unknown extent such that attempts by the owner to move it resulted in collapse. The statue has now effectively been lost.*
- (ii) Elements (the head of the boy, the head of the bullock) might be worthy of retention and capable of stabilisation for display in a protected environment e.g. Council's local history collection at Council's Library.'*

In its resolution to endorse and finalise the Planning Proposal associated with the CBHS (PP0001/15), the former Pittwater Council resolved;

'That the General Manager bring a report to Council outlining a method of bringing "Peter and the Bullock" into public ownership and be refurbished using a wide range of options.'

Having completed an investigation into the integrity of the statue, this matter is now reported back to Council.

Given the extent of damage to 'Peter and the Bullock', the estimated cost of stabilisation work, and that the stabilisation work would utilise different materials from the original which would not be reversible and would compromise the heritage value of the item, it is recommended that restoration works not be undertaken to 'Peter and the Bullock'. Rather, it is recommended that archival recording of the statue be undertaken in accordance with the NSW Heritage Office guidelines; opportunities to install interpretative signage, including photos, at the location be investigated; and opportunities to utilise the remaining parts of 'Peter and the Bullock' as a collection in Council's Mona Vale Library be investigated.

RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Do not proceed with restoration works to 'Peter and the Bullock', having regard for the investigations and assessments undertaken by Council's Heritage Advisor and conservation experts International Conservation Services.
 - B. Undertake archival recording of the statue in accordance with the NSW Heritage Office guidelines.
 - C. Investigate opportunities to install interpretative signage, including photos, at the location.
 - D. Investigate opportunities to utilise the remaining parts of 'Peter and the Bullock' as a collection in Mona Vale Library.
-

REPORT

BACKGROUND

The former Pittwater Council undertook a Community Based Heritage Study (CBHS) in 2014-2015. As part of that study, the statue known as "Peter and the Bullock" was nominated by a member of the community as a potential local heritage item. However, the investigations revealed that the statue, made of ferro-cement construction, has been exposed to the weather for several years and has suffered significant damage as a consequence.

On 20 August 2015, a site visit was conducted by Council's Principal Strategic Planner and Council's Heritage Advisor to assess the state of the statue. The inspection confirmed the item had sustained significant damage including:

1. Peter – both legs had been broken and had fallen away from the body. One leg was missing while the other was broken below the knee.
2. The Bullock – the tail was broken with a large part of the back right leg being broken and had fallen away. The front left leg was broken at the shoulder.
3. Cart – the wheels were broken and the wood surface of the cart had been replaced.

Further, the cage had been removed and the statue had been relocated in order to avoid vandalism.

As part of the reporting process for the CBHS, a report was presented to Council on 19 October 2015 that stated inter alia:

- '(i) the statue had deteriorated to an advanced, unknown extent such that attempts by the owner to move it resulted in collapse. The statue has now effectively been lost.*
- '(ii) Elements (the head of the boy, the head of the bullock) might be worthy of retention and capable of stabilisation for display in a protected environment e.g. Council's local history collection at Council's Library.'*

In its resolution to endorse and finalise the Planning Proposal associated with the CBHS (PP0001/15), the former Pittwater Council resolved;

'That the General Manager bring a report to Council outlining a method of bringing "Peter and the Bullock" into public ownership and be refurbished using a wide range of options.'

Having completed an investigation into the integrity of the statue, this matter is now reported back to Council.

ISSUES

International Conservation Services (conservation experts) were requested to provide an estimate for stabilisation and conservation work to the statue.

The statue was examined by Arek Werstak, Senior Sculpture Conservator (International Conservation Services) on 21 June 2016. The outcome of the assessment was:

'Overall the statue is in poor condition.

The two legs and tail of the bull are broken and separate from the body. Both legs of the human figure are broken.

There are losses of cement plaster and paint coating around the fractures.

The majority of the ferrous elements are corroded. It is most likely that internal ferrous reinforcement is also corroding causing the surrounding cement to expand and the

construction of the figures to be unstable. As a consequence the statue is progressively falling apart.

The metal parts of the wheel that rested directly on the soil have totally disintegrated. The wooden elements of the wagon are in reasonable condition.'

International Conservation Services recommended that the following treatment be undertaken to restore the statue:

1. Photo document and record
2. Surface clean all elements to remove debris
3. Strip painted finish
4. Treat corroded elements with wire brush and rusticide
5. Structurally consolidate all elements with epoxy resin
6. Re-join broken elements with fibreglass pins and fibreglass bandages
7. Reconstruct missing elements, including lost part of wheels
8. Treat wooden elements with boracide to control any wood rot
9. Infill losses in cement plaster
10. Repaint to imitate the original finish

International Conservation Services noted that to stabilise the structure of the statue, the conservation treatment proposed would utilise different materials from the original which would not be reversible.

The matter was subsequently referred to Council's Heritage Advisor for assessment. The outcome of the assessment was:

1. *the condition of the remains...was very poor'*
2. *the '...ferro-cement construction had not been adequately protected by paint or any other coating and the reinforcing had rusted, causing eruption from within the cement cover.'*
3. *'...any "repair" attempt would be largely reconstruction and the result would be essentially a new work.'*

In accordance with the above, it is recommended that restoration works not be undertaken. However, archival recording, interpretative signage and salvage of the viable parts of the stature for relocation to Mona Vale Library be pursued.

FINANCIAL IMPACT

The cost to stabilise the statue has been estimated by International Conservation Services to be in the order of \$24,000-\$27,000 (plus GST).

SOCIAL IMPACT

There is clear sentiment associated with 'Peter and the Bullock', which is evident by the original nomination (as part of the 'Pittwater Community Based Heritage Study Review') to consider listing the statue as a heritage item in the Pittwater LEP 2014. Although Council's Heritage Advisor considers that a repair attempt would largely be a reconstruction and the result would essentially be new work, losing the statue entirely would be a great loss for the community.

ENVIRONMENTAL IMPACT

Nil

ITEM 9.2	DRAFT MANLY DEVELOPMENT CONTROL PLAN 2013 AMENDMENT 8
REPORTING MANAGER	EXECUTIVE MANAGER, STRATEGIC LAND USE PLANNING (OPERATIONS)
TRIM FILE REF	2016/285884
ATTACHMENTS	1 Manly Development Control Plan 2013 (Amendment 8) (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To adopt draft exhibited amendments to Manly Development Control Plan 2013 incorporating consideration of public consultation outcomes.

SUMMARY

Council at its Ordinary Meeting dated 7 July 2016 resolved to place various draft Amendments to Development Control Plan 2013 on public exhibition *'for a further period and report back to Council'* (048/16 and 049/16).

The Draft Amendments to Manly Development Control Plan 2013 were placed on public exhibition in accordance with Council's resolutions for 28 days. The proposed amendments are intended to improve guidelines in relation to a range of design matters. Some further minor amendments are proposed in considering a submission received during consultations as well as the submission received in relation to the earlier exhibition period reported on 7 July 2016. While the amendments were initially drafted and reported as 2 distinct amendments ('Amendment 8' and 'Amendment 9'), it is now proposed to combine the amendments as detailed in the attachment and adopt all these amendments as 'Manly Development Control Plan 2013 Amendment 8' which will commence once public notice is given.

RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council adopt the Manly Development Control Plan 2013 - Amendment 8.

REPORT

BACKGROUND

Council, at its Ordinary Meeting dated 7 July 2016 resolved in relation to Draft Manly Development Control Plan 2013 Amendment 8 and Draft Manly Development Control Plan 2013 Amendment 9 as follows:

'That Council place the Draft Manly Development Control Plan 2013 – Amendment 8 on public exhibition for a further period and report back to Council (048/16).

'That Council place the Draft Manly Development Control Plan 2013 – Amendment 9 on public exhibition for a further period and report back to Council (049/16).'

Draft Manly Development Control Plan 2013 Amendment 8 was initially reported at the Ordinary Meeting of the former Manly Council on 2 May 2016 at which time the Council resolved to exhibit the proposed amendments. These amendments were subsequently exhibited from 7 May 2016 to 4 June 2016 with the intention of improving guidelines on a range of design matters and subsequently reported on 7 July 2016.

Draft Manly Development Control Plan 2013 Amendment 9 was reported at the last Ordinary Meeting of Northern Beaches Council 7 July 2016. These amendments had not previously been reported and were recommended to Council for public exhibition with the intention of improving guidelines on a range of design matter particularly relating to Balgowlah Local Centre.

CONSULTATION

In accordance with Council's resolution Draft Manly Development Control Plan 2013 Amendment 8 and Draft Manly Development Control Plan 2013 Amendment 9 were both exhibited for 28 days from 16 July 2016 to 13 August 2016.

The consultation activities for the draft plan included:

- Public notice in the Manly Daily.
- Hardcopies of documents available for viewing at all Northern Beaches Customer Service Centres and Manly Library.

Information and links to online documents on website www.manly.nsw.gov.au (Northern Beaches Council – former Manly Council site) under 'Public Exhibitions'.

REVIEW OF SUBMISSIONS

One submission was received during the recent public exhibition period as follows:

'I raise no objections to the amendments to the Manly Development Control Plan 2013 currently on exhibition. However, given the DCP is on exhibition, I wish to raise a small point in relation to Manly's 'Entertainment Precinct' that may be addressed at the same time as the current amendments.

The Manly Development Control Plan 2013 (Amendment 7) makes several mentions of the 'Entertainment Precinct', but does not provide any definition/clarification of the area. It would be most appropriate to include a concise definition and/or a map of the area considered to be the Entertainment Precinct (i.e. with boundaries shown, such as the maps in Schedule 2 of the MDCP that indicate the local government area's various town and neighbourhood centres) so that this area is clear. To provide such a definition and/or map removes any ambiguity for identifying whether sites within the area are considered part of the Entertainment Precinct or not.'

Comment: The adoption of a meaning for the term 'entertainment precinct' in the DCP is supported to improve clarity at DCP paragraph 4.2.5.6 and is detailed in Attachment 1.

FINANCIAL IMPACT

Nil

SOCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

The environmental impact is positive, improving guidelines for development in the former Manly Council area in relation to a range of local design matters.

ITEM 9.3	RE-CERTIFICATION OF BUSHFIRE PRONE LAND MAP (FORMER MANLY LGA)
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2016/284129
ATTACHMENTS	1 ⇒ Manly Bushfire Prone Land Map 2010 (Included In Attachments Booklet) 2 ⇒ Northern Beaches Council (former Manly LGA) Bushfire Prone Land Map 2016 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report on the five yearly statutory review and re-certification of the Bushfire Prone Land Map for the former Manly Council area and approve minor amendments for submission to the Commissioner NSW Rural Fire Service (Commissioner) for re-certification.

SUMMARY

The current Manly Bushfire Prone Land Map 2010 (refer Attachment 1) for the former Manly Council area has been reviewed in accordance with relevant statutory requirements and Guide for Bushfire Prone Land Mapping 2015. This review recommends minor amendments limited to the reclassification of two bushland reserve areas. This reclassification involving Sangrado Reserve and a section of bushland between Spit Bridge and Sandy Bay from Category 1 to Category 2 will also reduce the extent of the Buffer Area from 100m to 30m in these locations. There are no new bushfire prone land areas proposed to be mapped.

The Northern Beaches Council (former Manly LGA) Bushfire Prone Land Map 2016 (refer Attachment 2), as reported is required to be submitted to the Commissioner to certify for a further five year period.

RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Approve the Northern Beaches Council (former Manly LGA) Bushfire Prone Land Map 2016 for submission to the Commissioner NSW Rural Fire Service for certification.
 - B. Request the Commissioner of the NSW Rural Fire Service initiate a process to combine the three separate former Manly, Pittwater and Warringah Bushfire Prone Land Maps into a single Northern Beaches Council Bushfire Prone Land Map.
-

REPORT

BACKGROUND

The current Manly Bushfire Prone Land Map 2010 was last certified by the Commissioner on 18 October 2010 and the regulations require it to be recertified every five years.

CONSULTATION

This report has been prepared with the input from the Bushland Management Coordinator, Northern Beaches Council. There are no new lands to be mapped as bushfire prone lands and therefore community consultation is not recommended in relation to the proposed amendments, which are limited to re-classification of two sites.

REVIEW OF BUSHFIRE PRONE LAND MAP

The Manly Bushfire Prone Land Map 2010 has been reviewed in accordance with relevant statutory requirements and the RFS Guide for Bush Fire Prone Land Mapping 2015 'RFS Guide'. While no new bushfire prone land areas are proposed to be mapped, it is proposed to reclassify two bushland reserve areas from Category 1 to Category 2, located at Sangrado Reserve, Seaforth and between Spit Bridge and Sandy Bay, Clontarf. Both these areas were identified and mapped in a Natural Asset Study Report prepared by Ecological Consultants in 2011 as containing Littoral Rainforest. In this regard the RFS Guide states that Category 2 vegetation includes Rainforests. It is also noted that the reclassification of these two areas to Category 2 vegetation following identification of Littoral Rainforest will also reduce the extent of the surrounding Buffer Areas from 100m to 30m.

The Manly Bushfire Prone Land Map 2010 has also been reviewed to ensure consistency with local land use planning and there are no likely expanding areas of residential development in former Manly Council area that would require review in terms of Bushfire Prone Land mapping. Consideration is also given to the recent introduction of a new Category 3 under the RFS Guide and Council's Bushland Management Coordinator confirms that Northern Beaches Council does not have any vegetation communities mapped as those representative of the new Category 3, so this will not apply in this instance.

FINANCIAL IMPACT

Nil

SOCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

The environmental impact is positive, improving mapping in the former Manly Council area in relation to the management of bushfire prone land.

10.0 PUBLIC AFFAIRS DIVISION REPORTS

ITEM 10.1	NOTES OF THE IMPLEMENTATION ADVISORY GROUP AND LOCAL REPRESENTATION COMMITTEE MEETINGS
REPORTING MANAGER	DEPUTY GENERAL MANAGER PUBLIC AFFAIRS
TRIM FILE REF	2016/280971
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Notes of the IAG meeting held on 27 July 2016 (Included In Attachments Booklet) 2 ⇒ Notes of the IAG meeting held on 10 August 2016 (Included In Attachments Booklet) 3 ⇒ Notes of the LRC meeting held on 3 August 2016 (Included In Attachments Booklet) 4 ⇒ Notes of the LRC meeting held on 17 August 2016 (Included In Attachments Booklet)

REPORT

PURPOSE

To report the meeting notes from the Implementation Advisory Group (IAG) and Local Representation Committee (LRC) meetings.

REPORT

The meeting and associated documents are being reported to Council.

Committee	Meeting Date
Implementation Advisory Group	27 July 2016
Local Representation Committees (Economic, Environment & Social)	3 August 2016
Implementation Advisory Group	10 August 2016
Local Representation Committees (Economic, Environment & Social)	17 August 2016

FINANCIAL IMPACT

Nil

SOCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER PUBLIC AFFAIRS

That Council note the Meeting Notes of the:

- A. Implementation Advisory Group meetings held on 27 July and 10 August 2016.
 - B. Economic, Environment and Social Local Representation Committee meetings held on 3 August and 17 August 2016.
-

11.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

- A. That, in accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
- a Item 11.1 Tender T10/15 - Provision of Landscape Maintenance Services on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993].
- This report discusses individual respondent's tender submissions and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in Council decision making because the disclosure of this information would confer a commercial advantage to prospective tenderers for this type of consultancy tender.
- B. That the resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.
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NORTHERN BEACHES COUNCIL

