

MINUTES

ORDINARY COUNCIL MEETING

held at Manly Chambers on

TUESDAY 13 SEPTEMBER 2016

(2016/7)

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

Members

Dick Persson, AM - Administrator

Officers

Mark Ferguson	General Manager
John Warburton	Deputy General Manager Corporate Services
Ben Taylor	Deputy General Manager Environment & Infrastructure
David Kerr	Acting Deputy General Manager Planning & Community
Beth Lawsen	Deputy General Manager Public Affairs
Helen Lever	Executive Manager, Governance & Enterprise Risk
Melissa Lee	Governance Manager
Anna Moore	Coordinator Governance
Katie Kirwan	Administration Officer Governance
Lynne Jess	Secretariat
Sam Smith	IM&T Support Officer

NOTES

The meeting commenced at 6.30pm, and concluded at 7:48pm.

NOTE: Jean Hay AM, former Mayor of Manly gave the opening prayer.

1.0 APOLOGIES

Nil

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 23 AUGUST 2016

089/16 RESOLVED

D Persson

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

PROCEDURAL MOTION – AMENDMENT TO MINUTES OF 9 AUGUST 2016

090/16 RESOLVED

D Persson

That Resolution 055/16, 'Motion – Review of Off Leash Dog Areas' of the Minutes of the Ordinary Council Meeting of 9 August 2016 be amended to read as follows:

That Council conduct a review of the adequacy of current off leash areas, with a view to presenting a report to Council before the end of the calendar year.

PROCEDURAL MOTION - MOTION OF URGENCY

091/16 RESOLVED

D Persson

That as a matter of urgency, Council considers the staff report 'Suspension of Alcohol Free Zone within the Manly CBD from 1 to 3 October 2016' and will become Item 9.4 on the agenda.

This report is urgent due to the timing required to enact the recommendation.

3.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Nil

NOTE: *The Administrator acknowledged the presence of Former Mayor of Warringah, Michael Regan, former Deputy Mayor of Pittwater, Kylie Ferguson, former Mayor of Manly, Jean Hay AM, and former Councillors Cathy Griffin, Candy Bingham, Hugh Burns, Bob Giltinan, Vanessa Moskal and Sue Heins.*

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 Sandra Hudspith made a statement regarding the Precinct committee system and community liaison.

4.2 Alexander Rast of Ora Cafe presented a petition requesting the prohibition of plastic bag use in NSW.

The Administrator undertook to refer the petition to the relevant Strategic Reference Group for further investigation, and following their advice, Council will consider writing to the State Government to support the progression of this initiative.

4.3 Candy Bingham requested Council review the fees for evening parking in Council carparks in Manly, and requested a progress report on the former BUPA TAFE site in Seaforth, (in relation to the community space/area).

The Administrator undertook to investigate the figures for Council parking in Manly after 7pm and will report back to Council in the future.

4.4 Terry Le Roux made a formal request for a review of the applications by the owner of 8 Jackson Avenue, Balgowlah to regularise the illegal construction of non-compliant retaining walls on the boundary line with adjacent properties.

The Administrator requested staff prepare a brief in relation to the relevant provisions of the Environmental Planning and Assessment Act.

4.5 Richard Michell made a statement on the Minor Amendments to Warringah Local Environment Plans (2000 and 2011) and Warringah Development Control Plan 2011.

4.6 Jim Boyce made a statement about history and heritage, and its importance to the Northern Beaches.

4.7 Matt Bates made a statement about the Hop Skip Jump Real Time Trading.

4.8 Brian Halstead made a statement about reports to the Department of Premier and Cabinet.

The Administrator advised that Council will publish reports to the Department of Premier and Cabinet in the future.

4.9 Cathy Griffin made a statement about Cabbage Tree Bay and Marine Parade.

5.0 ADMINISTRATOR'S MINUTES

Nil

6.0 GENERAL MANAGER'S REPORTS

6.1 POWER OF ATTORNEY

092/16 **RESOLVED**

D Persson

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.

6.2 NORTHERN BEACHES COUNCIL DRAFT IMPLEMENTATION PLAN

NOTE: *Brian Halstead addressed Council on the Item.*

093/16 **RESOLVED**

D Persson

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

7.1 NORTHERN BEACHES COUNCIL DRAFT CODE OF MEETING PRACTICE

NOTE: *Conny Harris addressed Council on the Item.*

NOTE: *David Parsons addressed Council on the Item.*

094/16 **RESOLVED**

D Persson

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

8.1 PROPOSED LICENCE AGREEMENT OVER A PORTION OF NARRABEEN GOLF DRIVING RANGE

095/16 **RESOLVED**

D Persson

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.

8.2 TENDER T10/15 - PROVISION OF LANDSCAPE MAINTENANCE SERVICES

096/16 **RESOLVED**

D Persson

That Council:

- A. Accepts the tender submissions from:
 - a. Green Options Pty Ltd
 - b. Solid Ground Landscaping Pty Ltd
 - c. The Organic Mechanics Grounds Maintenance Pty Ltd
 - d. Image Property Detailing Pty Ltd
 - e. Luhrmann's Environment Management Pty Ltd

f. Landscape Productions Pty Ltd;

for T10/15 Provision of Landscape Maintenance Services as per the tendered schedules, and that these companies be placed on a panel and awarded a contract period of one (1) year with one (1) optional extension of one (1) year at Council's sole discretion.

B. Delegate authority to the General Manager to execute all necessary documentation to give effect to this resolution.

9.0 PLANNING & COMMUNITY DIVISION REPORTS

9.1 'PETER AND THE BULLOCK' (STATUE LOCATED AT 1667 PITTWATER ROAD, MONA VALE)

NOTE: Ross Fleming addressed Council on the Item.

097/16 **RESOLVED**

D Persson

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.

9.2 DRAFT MANLY DEVELOPMENT CONTROL PLAN 2013 AMENDMENT 8

098/16 **RESOLVED**

D Persson

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

9.3 RE-CERTIFICATION OF BUSHFIRE PRONE LAND MAP (FORMER MANLY LGA)

099/16 **RESOLVED**

D Persson

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.

9.4 SUSPENSION OF AN ALCOHOL FREE ZONE WITHIN THE MANLY CBD FROM 1 TO 3 OCTOBER 2016

100/16 **RESOLVED**

D Persson

That Council:

- A. Suspend The Corso Alcohol Free Zone for the long weekend of Saturday 1, Sunday 2 and Monday 3 October 2016 between the hours of 11:00 a.m. and 8.00 p.m.
- B. In accordance with s645(i) of the Local Government Act, 1993, provide appropriate notice through a local newspaper of the suspension of the Alcohol Free Zone.
- C. Staff continue to liaise with Manly Police in relation to safe management of the area during the suspension of the zone for Manly Jazz 2016.

10.0 PUBLIC AFFAIRS DIVISION REPORTS

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

101/16 **RESOLVED**

D Persson

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.

The meeting concluded at 7:48pm

This is the final page of the minutes comprising 8 pages numbered 1 to 8 of the Ordinary Council Meeting held on Tuesday 13 September 2016 and confirmed on Tuesday 27 September 2016

Administrator

General Manager