

# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 23 AUGUST 2016**

(2016/6)

**Minutes of an Ordinary Meeting of Council  
held on Tuesday 23 August 2016  
at the Civic Centre, Dee Why  
Commencing at 6:32pm**

**ATTENDANCE:**

**Members**

Dick Persson, AM - Administrator

**Officers**

Mark Ferguson	General Manager
John Warburton	Deputy General Manager Corporate Services
Melinda Hewitt	Deputy General Manager Transformation People & Culture
Ben Taylor	Deputy General Manager Environment & Infrastructure
Peter Robinson	Group Manager Development & Compliance Services
Helen Lever	Manager Administration
Melissa Lee	Governance Manager
Ximena Von Oven	Administration Officer Governance
Greg Karageuzian	Acting IT Infrastructure Manager
Glen Ingram	IT Group Support Officer

**NOTES**

The meeting commenced at 6.32pm and concluded at 8:31pm

NOTE: *The opening prayer was given by Jean Hay AM, former Mayor of Manly.*

## **1.0 APOLOGIES**

Nil

## **2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 9 AUGUST 2016**

073/16 RESOLVED

*D Persson*

That the Minutes of the Ordinary Council Meeting held 9 August 2016, copies of which were previously circulated to the Administrator, 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**

Nil

NOTE: *The Administrator noted the resignation of former Manly General Manager Mr Henry Wong acknowledging his service and contribution to Local Government.*

## **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 Jack Tilburn raised the following question: Why is there an industrial complex at 37 Monash Parade, Dee Why?**

- A. Would the new Northern Beaches Council make a 'royal investigation' of the industrial complex operating at 37 Monash Parade, Dee Why which is in virtual reality a purely residential zoning?
- B. Will the Council investigate a letter of 19 April 2016 from an Environmental Investigations Officer which stated: 'appropriate enforcement action is being undertaken' but nothing has occurred over the past 4 months? Council Reference: He2016/00061.
- C. Will the Council ensure that this deplorable industrial complex of: a motor vehicle junk yard and or repair yard be closed down ASAP?

The Administrator requested that staff keep him informed of the progress of this matter.

**4.2 Kelvin Auld, representing Friends of Mona Vale made a statement in relation to the Draft Mona Vale Plan 2016**

1. Community representatives prefer that the exhibition of the Draft Mona Vale Place Plan be deferred until after a new elected Council can consider the matter. There are a number of contentious issues in the Draft Plan that may need more planning research and justification before the Draft Plan is placed on public exhibition.
2. However, if Northern Beaches Council decides to publically exhibit the Draft Mona Vale Place Plan then community representatives recommend that the Draft Plan be placed on exhibition for at least three (3) months and further that the public exhibition process includes active community workshops conducted by Council officers including the Planning staff that explains the Draft Mona Vale Plan and in particular the nexus between the Draft Plan ( i.e. the Outcome) and the public involvement processes employed (the Process). Further, that in accordance with the Planning Institute of Australia policy on public participation that all public input in response to the Draft Plan be fully accounted for and formally responded to in the process.
3. There may be other matters raised by Community representatives

The Administrator requested that Mr Auld put his comments in writing, and these will be considered before the draft Plan is placed on exhibition. In relation to the length of public exhibition of the draft Plan, the Administrator advised he would consider the request, however the usual practice for public exhibition was one month.

**4.3 Hastings Pawsey, made a statement requesting Northern Beaches Council to erect a suitable Monument at Plateau Park, Collaroy, to physically identify the birth place of Australia's world leading Radio Astronomy Science.**

The Administrator requested that the General Manager refer the item to the relevant Council staff to research and consider the request further.

**4.4 Brian Halstead raised the following Question on: transparency, openness & accountability.**

- A. Notes on IAG meetings state reports are going to the Department of Premier and Cabinet. Can these reports be made available to the community on the website? If not, why not?
- B. Implementation plan for the community engagement was promised for this meeting. When will be presented?
- C. It appears that an organisation structure has been agreed and appointments are being made. When is the organisation structure being presented to the community at a Council Meeting?
- D. Can you confirm that the community cannot attend and observe the IAG and LRC meetings? Can you explain why and at least make available to the community the agenda for the meetings so the community can discuss for the meeting with their so called representatives?
- E. What is the process being undertaken for community engagement or representing the community with the Greater Sydney Commission in district plan development?

The Administrator made a general statement in relation to Public Forum, that he would prefer the Public Forum be used for people to make comments on an issue they have, a Council policy, or general business rather than using it as a replacement for the GIPA Act. He also noted that if questions were forwarded in writing, that Council would respond to requests/ questions in due course, unless the questions are sent in well in advance of the meeting where it may be possible that Council could respond.

**4.5 Peter Harley, President of Friends of Freshwater made a statement about merger funding following amalgamation.**

A number of local projects were outlined by Mr Harley.

**4.6 Carol Crees made a statement in relation to the Balgowlah Community Garden requesting a review of the current opening hours.**

The Administrator undertook to review the matter and follow up with Ms Crees.

**4.7 Hugh Burns enquired about the current and future status of the Manly Environment Levy.**

The Administrator advised that he would request the answer to Mr Burns' question and respond in due course.

**5.0 ADMINISTRATOR'S MINUTES**

Nil

**6.0 GENERAL MANAGER'S REPORTS**

**6.1 OUTCOMES OF THE MANLY OVAL AND WHISTLER STREET CARPARKS REVIEW**

NOTE: *Candy Bingham, representing Good for Manly & Save Manly Oval Alliance addressed Council on the Item.*

NOTE: *Jack Steggall addressed Council on the Item.*

NOTE: *Jean Hay AM addressed Council on the Item.*

**074/16 RESOLVED**

***D Persson***

That Council:

- A. Accept the findings made by Value Network and Ernst & Young in their independent reviews into the viability of the Manly Oval and Whistler Street Carparks;
- B. Terminates the Development Deeds:
  - i) with Abergeldie Contractors Pty Ltd for the Manly Oval Carpark (dated 26 April 2016 for the Manly Oval Carpark); and
  - ii) with Built Development (Manly) Pty Ltd and Athas Holdings Pty Ltd (dated 27 April 2016 for the Whistler Street Redevelopment);
- C. Treats Confidential Report 15.3 for the Manly Oval and Whistler Street Carparks Review, and the attachments therein, as confidential because they are commercial in confidence and relate to matters specified in section 10A(2) of the Local Government Act 1993;
- D. Uploads to the website the reports by Value Network and Ernst & Young as soon as possible

following completion of Item B above;

- E. Remains committed to pursuing the overall vision of the *Manly2015* Masterplan that seeks to re-energize the Manly CBD; and
- F. Delegate authority to the General Manager to do all things necessary to give effect to the above.

## 7.0 CORPORATE SERVICES DIVISION REPORTS

### 7.1 MONTHLY INVESTMENT REPORT - JULY 2016

075/16 RESOLVED

**D Persson**

That Council note the Investment Report as at 31 July 2016 including the certification by the Responsible Accounting Officer be received and noted.

### 7.2 JUNEE SHIRE COUNCIL - FEASIBILITY STUDY INTO INFORMATION TECHNOLOGY PLATFORM PROPOSAL

076/16 RESOLVED

**D Persson**

That Council note the update on the Junee Shire Council feasibility study on its Information Technology Platform Proposal.

### 7.3 RFT 2016/077 WATER PLAYGROUND FOR WARRINGAH AQUATIC CENTRE

077/16 RESOLVED

**D Persson**

That Council:

- A. Accept the tender of *Water Features By Design* for RFT2016/077 – Water Playground for Warringah Aquatic Centre for the sum of \$400,000 excluding GST.
- B. Delegate to the General Manager authority to negotiate and enter into a contract and to approve contract payments including contingencies up to amount as specified in the confidential tender report.

**7.4 RESPONSE TO PUBLIC FORUM QUESTIONS REGARDING MANLY ANDREW BOY CHARLTON POOL**

NOTE: *Bruce Kitson addressed Council on the Item.*

The Administrator advised that in relation to Mr Kitson's post audit questions, he would take on board Mr Kitson's comments and respond to Mr Kitson in due course.

078/16 **RESOLVED**

***D Persson***

That the response to the financial position of the Manly Andrew Boy Charlton Pool be noted.

**8.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS**

**8.1 MINUTES OF WARRINGAH PITTWATER BUSH FIRE MANAGEMENT COMMITTEE MEETING HELD 1 MARCH 2016**

079/16 **RESOLVED**

***D Persson***

That Council note the Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held on 1 March 2016.

**8.2 MINUTES OF THE SYDNEY COASTAL COUNCILS GROUP ORDINARY MEETING HELD ON 18 JUNE 2016**

080/16 **RESOLVED**

***D Persson***

That the Minutes of the Sydney Coastal Councils Full Group Ordinary Meeting of 18 June 2016 be noted.

**8.3 MONA VALE GOLF COURSE LEASE RENEWAL**

NOTE: *Marcia Rackham addressed Council on the Item.*

081/16 **RESOLVED**

***D Persson***

That Council:

- A. Subject to the consent of the Crown Lands Department, as the Reserve Trust Manager enters into a new lease agreement with Mona Vale Golf Club Ltd for the Crown Land Lot 7092 in DP 1051073.
- B. Enters into a new lease agreement with Mona Vale Golf Club for Council owned land Lots 2 and 4 in DP 251053, and Lot 1 DP 1033971.
- C. Delegate authority to the General Manager or his delegate to execute all documentation

necessary in order to give effect to this resolution.

#### 8.4 IMPROVED MANAGEMENT OF SPORTING FACILITIES AND REVISED SPORTSGROUND FEES

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

NOTE: *Kelvin Milsom, Secretary of the Manly Warringah Pittwater Sporting Union, addressed Council on the Item.*

082/16 **RESOLVED**

**D Persson**

That:

- A. Council note the significant work to date to implement a single coordinated approach for the planning and management of sporting facilities.
- B. The General Manager be given the authority to enter into an agreement, based on the Draft Principles (11 August 2016), with the Manly Warringah Pittwater Sporting Union regarding the planning and management of the Northern Beaches Council sportsgrounds and facilities.
- C. Council place the revised Northern Beaches seasonal sportsground user fees, which have been equalised across the LGA to be \$12.40 for junior players and \$16.70 for senior players, on public exhibition for a period of 28 days from August 2016 until September 2016.

#### 8.5 KIMBRIKI RESOURCE RECOVERY PROJECT

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

NOTE: *Cathy Griffin addressed Council on the Item.*

NOTE: *Ben Connell, CEO and Project Director, Kimbriki Resource Recovery Project, addressed Council on the Item.*

083/16 **RESOLVED**

**D Persson**

That Council:

- A. endorses Kimbriki Environmental Enterprises Pty Ltd (KEE) issuing an invitation to tender (ITT) for the resource recovery facility (RRF) as soon as possible and approves the Kimbriki Resource Recovery Project (KRRP) including the variations made to the KRRP since 2012;
- B. endorses, to enable the issue of an ITT for the RRF by KEE:
  - a) the legal documents and governance structure for the RRF;
  - b) the tender evaluation criteria for the RRF (comprising the 'Completeness Criteria', 'Conforming Criteria', 'Headline Criteria' and sub-criteria);
  - c) the establishment of a project steering committee (PSC) for the RRF comprising senior representatives of Northern Beaches Council and Mosman Municipal Council



(Councils) and KEE;

- d) the establishment of a tender evaluation panel (TEP) for the RRF including the appointment of Paul Howlett of Wright Corporate Strategy Pty Ltd as Chair and the Councils' representative;
  - e) the amendment of the legal documents and the governance structure (including the TEP and its members) for the RRF, as required prior to and during the procurement phase; and
  - f) deferral of the ITT for the materials recovery facility (MRF) to allow further assessment of the MRF given recent changes to market conditions;
- C. does all things necessary to progress the KRRP as a public-private partnership under the Local Government Act 1993, including:
1. preparing and submitting all necessary documentation to the Office of Local Government (OLG) and its project review committee, including:
    - liaising with the OLG on the variations to the KRRP since 2012;
    - providing this report to the OLG, as required; and
    - as required for the purpose of section 2.4 and Appendix 9 of the OLG's Guidelines on the Procedures and Processes to be followed by Local Government in Public-Private Partnerships dated 1 September 2005; and
  2. complying with any requirements of the OLG;
- D. resolves, pursuant to section 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for the provision of technical adequacy advisor services and tender evaluation services to Council in relation to the KRRP because of extenuating circumstances by reason of the following:
1. Aecom Australia Pty Ltd (Aecom) in respect of technical adequacy advisor services and Wright Corporate Strategy Pty Ltd (Wright) in respect of tender evaluation services, are familiar with the issues associated with KEE, the KRRP and the Kimbriki site, having previously been engaged by KEE;
  2. Aecom and Wright have the experience and breadth of expertise to deal with the various issues raised by the KRRP; and
  3. Council has an immediate and critical need to obtain technical adequacy advisor services and tender evaluation services in relation to the KRRP;
- E. resolves to enter into contracts in relation to the KRRP with each of Aecom and Wright for technical adequacy advisor services and tender evaluation services, respectively, without inviting tenders;
- F. pursuant to section 377(1) of the Local Government Act 1993, delegates to the General Manager the functions of the Council to give effect to the above and execute any documents to give effect to the above, including the authority to:
1. submit all requisite documents to the OLG and PRC;
  2. negotiate, finalise and execute all relevant documents including contracts; and
  3. disclose information to advise the community about the progress of the KRRP; and

- G resolves that confidential report for Environment and Infrastructure, Report No 15.2 of the Confidential Agenda, and the attachments and documents it refers to, are to be treated as confidential because they are commercial in confidence and relate to matters specified in section 10A(2) of the Local Government Act 1993.

NOTE: *The Administrator thanked Eskil Julliard, Council's Legal Counsel, noting the significant work he has undertaken on such a complex project (Kimbriki).*

NOTE: *The Administrator noted the temporary appointments of the Executive Managers of the Northern Beaches Council, congratulating those who were successful after an extensive recruitment process.*

## 9.0 PLANNING & COMMUNITY DIVISION REPORTS

### 9.1 ADOPTION OF THE SCORES ON DOORS PROGRAM

084/16 **RESOLVED**

**D Persson**

That Council:

- A. Adopts the Scores on Doors program to promote compliance with hygiene and food safety standards, promote consumer trust in food businesses and to further the reputation and economy of food businesses across the Local Government Area.
- B. Proactively promote the scores on doors ratings of its food businesses to ensuring greater transparency of our services and improved public access to compliance information.

### 9.2 INDEPENDENT ASSESSMENT PANEL - NORTH

NOTE: *Gavin Butler, President of the Newport Residents Association addressed Council on the Item.*

085/16 **RESOLVED**

**D Persson**

That Council adopt the Charter for the Northern Beaches Independent Assessment Panel – North.

### 9.3 BP FORESTVILLE PLANNING PROPOSAL - 632-634 WARRINGAH ROAD, FORESTVILLE

086/16 **RESOLVED**

**D Persson**

That Council:

- A. Submit the *BP Forestville Planning Proposal* to the Parliamentary Counsel's Office and Department of Planning and Environment.

- B. Request to exercise its delegation to undertake the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* to amend *Warringah Local Environmental Plan 2011* to give effect to *BP Forestville Planning Proposal*.

#### 9.4 NARABANG WAY, BELROSE PLANNING PROPOSAL

087/16 RESOLVED

**D Persson**

That Council:

- A. Submit the Planning Proposal for 8, 10 and 12 Narabang Way, Belrose to the Department of Planning and Environment for a Gateway determination.
- B. Request to exercise delegation from the Minister of Planning under Section 59 of the *Environmental Planning and Assessment Act, 1979* regarding the making of local environmental plans in relation to this planning proposal.
- C. Publicly exhibit the Planning Proposal in accordance with any Gateway approval granted by the Department of Planning and Environment.

### 10.0 TRANSFORMATION, PEOPLE & CULTURE DIVISION REPORTS

#### 10.1 ALTERNATIVE PROCUREMENT FOR THE SUPPLY OF HIGH PERFORMANCE LEADERSHIP COACH PROGRAM FOR NORTHERN BEACHES COUNCIL

088/16 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 Senior Managers because of the following extenuating circumstances:
- i) Griffith Consulting Group has successfully delivered the program to the Senior Leadership Group of the former Warringah Council it is considered that a satisfactory result will not be achieved by inviting tenders and will only add to time delays in delivering the program. There is significant benefit in having the program delivered by the same organisation to ensure consistency.
- B. Delegate authority to the General Manager 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 \$235,000.

### 11.0 NOTICES OF RESCISSION

Nil

**12.0 NOTICES OF MOTION**

Nil

**13.0 QUESTIONS ON NOTICE**

Nil

**14.0 RESPONSES TO QUESTIONS ON NOTICE**

Nil

**15.0 CONFIDENTIAL MATTERS – CLOSED SESSION**

Nil

*The meeting concluded at 8:31pm*

This is the final page of the minutes comprising 12 pages  
numbered 1 to 12 of the Ordinary Council Meeting  
held on Tuesday 23 August 2016 and confirmed on Tuesday 13 September 2016

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Administrator

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General Manager