

# MINUTES

## **EXTRAORDINARY COUNCIL MEETING**

held at Manly Chambers on

**THURSDAY 7 JULY 2016**

(2016/4)

**Minutes of an Extraordinary Meeting of Council  
held on Thursday 7 July 2016  
at Manly Chambers  
Commencing at 6:35pm**

**ATTENDANCE:**

**Administrator**

Dick Persson, AM

**Officers**

Mark Ferguson	General Manager
John Warburton	Deputy General Manager Corporate Services
Ben Taylor	Deputy General Manager Environment & Infrastructure
Stephen Clements	Deputy General Manager Planning & Community
Melinda Hewitt	Deputy General Manager Transformation, People & Culture
Beth Lawsen	Deputy General Manager Public Affairs
Helen Lever	Acting Executive Manager
Melissa Lee	Governance Manager
Ximena Von Oven	Administrator Officer Governance
Katie Kirwan	Administration Officer Governance
Lynne Jess	Secretariat
Sam Smith	IM&T Support Officer

**NOTES**

The meeting commenced at 6:35pm and concluded at 8:39pm

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 EXTRAORDINARY COUNCIL MEETING HELD ON 16 JUNE 2016**

031/16 RESOLVED

#### ***D Persson***

That the Minutes of the Extraordinary Meeting held on 16 June 2016 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

## **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 Lynne Young made a statement in relation to important community projects which Clontarf Community wish to be actioned by Council.**
- 4.2 Phil Young made a statement in relation to community groups (formerly Manly LGA Precincts) having a valuable contribution which needs a process to ensure appropriate council actions.**
- 4.3 Ray Mathieson asked a number of questions in relation to the importance of effective, two way communication from and to Council/residents and the fair allocation of resources within new Council structure for completion of partially completed tasks.**
- 4.4 Helen Wilkins made a statement regarding the Manly Vale School upgrade.**
- 4.5 Ray Moran made a statement regarding parking at Manly Life Saving Club.**

The Administrator advised Mr Moran that the Manly Life Saving Club executive can lodge a formal submission requesting extra parking. The Administrator advised he would address the submission once it has been received by Council.
- 4.6 Digby Hughes made a statement regarding the Manly Council meeting to discuss oval carpark.**
- 4.7 Cathy Griffin made a statement regarding an urgent request for public toilet installation at Seaforth Playground & Community Garden.**

The Administrator requested that the Deputy General Manager Environment & Infrastructure to provide a report regarding the possible public toilet installation at Seaforth Playground & Community Garden.

**4.9 Cristina Kirsch made a statement regarding the seawall at Collaroy and the use of public funds long term.**

**4.10 Robyn Hall made a statement regarding Fairy Bower Pool and Marine Parade Walkway.**

The Administrator requested that once Ms Hall forwards the information to the Deputy General Manager Environment & Infrastructure, that he meet with Ms Hall and report on the outcome.

**4.11 Bruce Kitson made a statement regarding transparency.**

Mr Kitson requested that a post audit of the Andrew Boy Charlton Aquatic Centre project be carried out and the report made available to the public. Mr Kitson also raised the following questions:

1. How much did the project cost all up? Including all payments relating to the project (and not limited to the head contractor); architects fees, remediation of gas works material, road works and parking costs in Kenneth Road, costs for the preparation of the DA process. The original budget in the CSP was \$18.035m.
2. The State Government provided a subsidised loan for \$15 million. How was the extra cost funded?
3. Is the project financially self-sufficient? I note the Northern Beaches Council proposes a fee increase to cover costs. Will the forecast fee income be sufficient to pay all operating costs and all interest and loan repayments? If not, what will this mean in terms of reductions in other areas to offset this?

The Administrator advised that this information would be released to the community in the near future.

**4.12 David Parsons made a statement regarding Governance.**

**4.13 Hugh Burns made a statement regarding meeting notices, public consultation and that a detailed draft budget was outstanding.**

**4.14 Jacqueline French made a statement regarding Manly's identity.**

## **5.0 ADMINISTRATOR'S MINUTES**

### **5.1 ADMINISTRATOR'S MINUTE NO 6/2016 - DRAFT COASTAL EROSION POLICY**

#### **BACKGROUND**

The major East Coast Low storm event between 4th and 6th June caused widespread damage across NSW, including significant coastal erosion along Collaroy-Narrabeen beach as well as impacting Palm, Fairy Bower and Dee Why Beaches, creating a major challenge for the newly formed Northern Beaches Council.

I would like to commend all of those involved in the event, from Council staff, emergency services, volunteers, as well as local residents for the way everybody worked together during the most challenging of times to protect life and property. The clean-up and short term protection efforts are still ongoing, and Council is working closely with affected residents to deliver the best possible outcomes for our coastline.

Council has a certified Coastal Zone Management Plan for Collaroy-Narrabeen Beach and

Fisherman's Beach and this provides direction for management of this area. A priority action in the Plan was to develop guidelines to help property owners work through the difficult process of protecting their properties. This draft Coastal Erosion Policy for the Northern Beaches provides that guidance. At this stage the policy will only apply to Collaroy-Narrabeen and Fishermans Beach as this is the only beach with a certified Plan. As other beaches in the area are certified, this policy will be augmented to give effect to their recommendations.

The Policy recognises the importance of maintaining public beach amenity and surf quality as its highest priority, and also outlines the responsibility of property owners (including government) to protect their property from coastal processes. I believe this is a problem that needs support from multiple levels of government and this policy acknowledges the importance of contributory funding in the Collaroy-Narrabeen area. Government is responsible for protecting public assets and where appropriate making a contribution to assist private property owners as they try to protect theirs.

I am advised that the initial estimates for 1.1km of works from The Marquesas to 1096 Pittwater Road has been estimated at approximately \$22 million. While Council will work with the State Government to meet the cost of directly protecting public assets in this area (approximately \$5.5 million), I will also ask the State Government to join Council in providing up to 10% each towards the cost of private protection as a contribution subject to a positive cost benefit analysis for these public assets. Early estimates suggest this contribution could be approximately. This contribution has been estimated at approximately \$3.3 million (\$1.65 million from State and \$1.65 million from Council) and is in recognition of the public asset protection that is provided by these private properties.

Notwithstanding the concerns of private property owners, the community's right to access and enjoy Collaroy-Narrabeen beach is paramount and for this reason, I am of the firm belief that any proposed long term protection works must be accompanied by sand nourishment. This will be increasingly important as we attempt to mitigate the effects of sea-level rise and other climate change influences on coastal processes.

A recent report by the Sydney Coastal Council's Group identified that to combat the impact of sea level rise in the Collaroy-Narrabeen embayment significant volumes of sand will be required as these impacts are felt. For example, it is predicted that some 1.3 million cubic metres of sand (approximately 4 times the amount removed during the June storms) will be required for the first 10 year nourishment effort, and around 420,000 cubic metres for each following 10 year campaign. In 2009 dollars this will cost around \$30 million for the first 10 year nourishment, and around \$12 million for each following 10 year campaign.

These costs are based on the assumption that sand nourishment will be undertaken across large areas of the NSW coast and the costs shared accordingly. It essential that these works are co-ordinated because they require significant upfront costs in order to hire specialised vessels and equipment. Making things even more complicated, the sand needed for these works rests on the seabed off the NSW coastline, and access to this sand is currently not permitted by NSW and Federal legislation.

Works on this scale are simply unaffordable for Northern Beaches Council on its own, and the responsibility for delivery of offshore sands must be shared with benefitting Councils and also with State and Federal Government. The State Government is obviously best placed to co-ordinate and manage such an undertaking, and I will write to the Premier to request that the State provides a long-term sand replenishment strategy for NSW that addresses the many issues I have raised, and amends the Offshore Minerals Act (1999) to enable effective medium and long term beach amenity to be preserved.

This policy continues the work of the Coastal Zone Management Plan and provides certainty to residents and the community about what must be done to facilitate the long-term management of the erosion issue at Collaroy-Narrabeen. It sets out the requirements for a contribution from government and also sets reasonable and appropriate limits to this. This contribution is affordable and reasonable given the risks posed to public assets in this area.

Coastal erosion is a complex technical problem and is also an emotive issue in our community. I hope this policy provides the kind of guidance and support that is needed to make this area safe

and enjoyable for current and future generations.

032/16 **RESOLVED**

**D Persson**

That Council:

- A. Place the draft Coastal Erosion Policy for Collaroy-Narrabeen Beach on public exhibition for a period of not less than 28 days, undertake community consultation, and report to Council on the outcomes;
- B. Advocate to State and Federal Governments for a long-term sand replenishment strategy to combat the impact of sea level rise and climate change on Sydney's Northern Beaches and NSW generally, and to amend the *Offshore Minerals Act (1999)* to enable effective medium and long term beach amenity to be preserved.

**5.2 ADMINISTRATOR'S MINUTE NO 7/2016 - NORTHERN BEACHES MERGER SAVINGS FUND**

**BACKGROUND**

Northern Beaches Council continues to review its operations as it progresses through the transition phase of the amalgamation process to ensure savings are demonstrably identified and reported.

Northern Beaches Council can now report annual savings of \$3 million made in the first two months since the former councils were merged. These are the initial reported savings from the merger and further are expected over the next year.

These savings have come from the reduction of workers compensation insurance costs, savings in general insurances and reductions in senior management positions not to be replaced.

Using the discount rate and CPI rates applied by KPMG in its March 2016 report for the NSW State Government of the financial benefits of a northern beaches council this represents estimated savings of \$38 million over 20 years out of the total estimated in their report of \$111 million.

It is currently too early to put a number on further annual savings from the merger; however these are likely to be substantial.

**PROPOSAL**

Savings from the merger will be set aside in a special Northern Beaches Merger Savings Fund to provide an on-going pool of money for projects that directly benefit the community and will not be used to offset spending in other operational areas of Council's Budget.

The NSW State Government committed \$15 million for community benefit projects when the new Northern Beaches Council was proclaimed on 12 May 2016.

The Northern Beaches Merger Savings Fund will provide ongoing funding for these types of projects and this is a great legacy for future generations on the Northern Beaches.

**CONCLUSION**

This approach will ensure a significant dividend is delivered to the community every year from the efficiencies achieved from the merging of the three councils. This is a huge win for the Northern Beaches community and demonstrates the benefit of merging Council's resources.

033/16 **RESOLVED**

**D Persson**

That savings from the merger be set aside in a special Northern Beaches Merger Savings Fund to provide an on-going pool of money for projects that directly benefit the community and be reported to Council on a quarterly basis as part of the Quarterly Budget Review Statement.

## **6.0 GENERAL MANAGER'S REPORTS**

### **6.1 REVIEW OF MANLY OVAL AND WHISTLER STREET CARPARKS PROJECT - STATUS UPDATE**

NOTE: *Roger Freney addressed Council on the Item.*

Mr Freney raised the following questions:

Would you agree to forward the work completed by professional residents?

Answer: The Administrator noted that he would be happy to receive the information and pass it on to relevant staff.

Can you provide an explanation with regards to how the DA process will be undertaken going forward?

Answer: The General Manager, advised that the process is currently being reviewed by independent consultants and that it will also be reviewed by the Joint Regional Planning Panel in August.

NOTE: *Alan Le Surf addressed Council on the Item.*

034/16 **RESOLVED**

**D Persson**

That Council note the update on the Manly Oval and Whistler Street Carpark provided in this report.

### **6.2 ADOPTION OF OPERATIONAL PLAN 2016/17**

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

The Deputy General Manager Corporate Services, advised that the current fee structure of the Andrew Boy Charlton Swimming Centre will remain as per the operational plan. The fee structure will be reviewed within the first 3-6 months of operation, and consideration of a revised fee structure if required will take place at that time.

NOTE: *Penny Philpott addressed Council on the Item.*

The Administrator advised that he would like to meet with Ms Philpott to discuss funding around venues and projects that Northern Beaches Council can undertake and that Ms Philpott should prepare a proposal for next year's budget cycle. He requested Ms Philpott forward him the information previously prepared in relation to this issue which he would review upon receipt.

035/16 **RESOLVED**

**D Persson**

That:

- A. Council adopts the Draft Operational Plan 2016/17, including Draft Fees and Charges subject to:
  - a. the amendment to the Operational Plan detailed in Table 11 in section 5 of this report.
  - b. the amendments to the Fees detailed in Tables 10 and 11 in section 4 of this report
- B. The adopted Fees apply from 1 August 2016 with the exception of the Fees for Business Waste Management which apply from 1 July 2016.
- 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 to 4 in Section 4 of this report;
  - b. In accordance with section 496 of the Act, Domestic Waste Management Charges are made as shown in Tables 5 to 7 in Section 4 of this report;
  - c. In accordance with section 496A of the Act, Stormwater Service Management Charges are made as shown in Tables 8 and 9 in Section 4 of 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 8.0% to be charged on overdue rates and charges.
- E. Council may carry out work on private land, either on request or by agreement with the owner of the land, or under relevant legislation.

## **7.0 CORPORATE SERVICES DIVISION REPORTS**

### **7.1 MONTHLY INVESTMENT REPORT**

036/16 **RESOLVED**

**D Persson**

That the Investment Report as a 31 May 2016 including the certification by the Responsible Accounting Officer be received and noted.

## 7.2 INVESTMENT AND RATES AND ANNUAL CHARGES HARDSHIP POLICIES

037/16 RESOLVED

**D Persson**

That Council:

- A. Endorse the Draft Investment Policy for public exhibition for a period of 28 days.
- B. Endorse the Draft Rates and Annual Charges Hardship Policy for public exhibition for a period of 28 days.

## 7.3 NORTHERN BEACHES PARKING PERMIT SCHEME

038/16 RESOLVED

**D Persson**

That Council place the draft Northern Beaches Beach Parking Permit Policy on public exhibition for 28 days and report the results back to Council.

## 8.0 Environment & Infrastructure Division Reports

### 8.1 FIRES SERVICES TENDER

039/16 RESOLVED

**D Persson**

That Council:

- A. Advise SHOROC that it declines to accept any of the tenders.
- B. Conduct a new tender for the provision of Fire Services for all of the Northern Beaches Council facilities where such services are required.
- C. Engage Grosvenor Fire to continue to provide their service to Council on a month by month basis until the new tender let.

### 8.2 CONTRACT APPROVAL FOR TELSTRA ASSET RELOCATION IN OAKS AVENUE, DEE WHY

040/16 RESOLVED

**D Persson**

That Council:

- A. Exercise its authority under Section 55 (3) of the Local Government Act and approve an alternative procurement process for the provision of Telstra asset relocation services in Oaks Avenue, Dee Why as it believes a satisfactory result would not be achieved by inviting tenders. The proposed alternative procurement is based on the following “*extenuating circumstances*”:

- Telstra is the sole supplier of services to relocate communication assets, a competitive tender process was not feasible due to the unavailability of multiple competitive tenders.

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

### 8.3 WARRINGAH AQUATIC CENTRE REFURBISHMENT

NOTE: *Penny Philpott addressed Council on the Item.*

Ms Philpott asked where the sculptures for the plinths at the Warringah Aquatic Centre were going to come from?

The Deputy General Manager Corporate Services, advised that there was some money within the current budget for the Warringah Aquatic Centre to purchase sculptures. The Administrator asked how much money was available. The Deputy General Manager Corporate Services took the question on notice.

The Administrator suggested Ms Philpott lodge a submission for a grant in relation to her proposal for an art studio.

041/16 **RESOLVED**

***D Persson***

That Council:

- A. Proceed with the planned works to revitalise the Warringah Aquatic Centre.
- B. Allocate \$600,000 from Council's working capital to the planned children's water playground and related refurbishment works at the Warringah Aquatic Centre (CR6244).

### 8.4 RFT 2016/011 - SOUTH CURL CURL SEAWALL WORKS

042/16 **RESOLVED**

***D Persson***

That Council:

- A. Increase the 2016-2017 budget for CN6562 South Curl Curl Seawall from \$716,486 to \$893,686
- B. Delegate authority to the General Manager to execute all necessary documentation to give effect to this resolution and to approve contract payments up to \$865,773 to Silver Raven Pty. Ltd.

**8.5 RFT2016/039 - NARRABEEN LAGOON ENTRANCE CLEARANCE WORKS**

043/16 **RESOLVED**

***D Persson***

That:

- A. Council accept the tender of GPM Constructions Pty. Ltd. for the total upper limiting price of \$923,724 (ex GST).
- B. Council delegate authority to the General Manager to execute the contract with GPM Constructions Pty Ltd to undertake the Narrabeen Lagoon Entrance Clearance works, as specified in RFT2016/039 including a contingency as specified in this report.
- C. That the additional \$165,000 in project costs be allocated from working capital and reported as part of the Quarterly Budget Review process (with this amount to be reduced in line with any additional grant funding received).

**8.6 TENDER T03/16 - PROVISION OF CONSULTANCY SERVICES FOR THE NEWPORT FLOOD STUDY**

044/16 **RESOLVED**

***D Persson***

That:

- A. Council accepts the tender submission from Catchment Simulation Solutions Pty Ltd for T03/16 Provision of Consultancy Services for the Newport Flood Study for a total amount of \$138,030.00 ex GST for a two (2) year period only.
- B. Authority is delegated to the General Manager to execute all necessary documentation to give effect to this resolution.
- C. The unsuccessful tenderers be notified of the tender outcome and thanked for participation

**8.7 TENDER T04/16 - PROVISION OF CONSULTANCY SERVICES FOR UNDERTAKING THE NORTH NARRABEEN LAGOON OVERLAND FLOW FLOOD STUDY**

045/16 **RESOLVED**

***D Persson***

That:

- A. Council accepts the tender submission from WMA Water Pty Ltd for T04/16 Provision of Consultancy Services for Undertaking the North Narrabeen Lagoon Overland Flow Flood Study for a total amount of \$142,065.00 ex GST for a two (2) year period only.
- B. Authority is delegated to the General Manager to execute all necessary documentation to give effect to this resolution.
- C. The unsuccessful tenderers be notified of the tender outcome and thanked for participation

## 8.8 PURCHASE OF LAND FOR ROADWORKS IN WARRIEWOOD

046/16 RESOLVED

**D Persson**

That Council:

- A. Approves for the purpose of the MacPherson Street and Warriewood Road Upgrade Project the purchase of:
  - a. the splay corner of land, being part of 9A Boondah Road, Warriewood, from Sydney Water for \$7,500 ex GST; and
  - b. the splay corner of land, being part of 23 Warriewood Road, Warriewood for \$8,000 ex GST.
- B. Bears all costs associated with the purchase of these two parcels of land, as contained in this report.
- C. Acquire the land for the purpose of a road and classifies it as Operational Land.
- D. Delegate authority to the General Manager to execute all documentation necessary in order to give effect to this resolution.

## 8.9 APPROVAL OF APPLICATION TO PLACE TEMPORARY COASTAL PROTECTION WORKS ON PUBLIC LAND

047/16 RESOLVED

**D Persson**

That Council approve the application to place Temporary Coastal Protection Works under the *Coastal Protection Act 1979* on public land adjacent to 9 Florence Avenue, Fishermans Beach.

## 9.0 Planning & Community Division Reports

### 9.1 DRAFT MANLY DEVELOPMENT CONTROL PLAN 2016 - AMENDMENT 8

NOTE: *Barbara Aird addressed Council on the Item.*

048/16 RESOLVED

**D Persson**

That Council place the Draft Manly Development Control Plan 2016 - Amendment 8 on public exhibition for a further period and report back to Council.

**9.2 DRAFT MANLY DEVELOPMENT CONTROL PLAN 2013 AMENDMENT 9**

049/16 **RESOLVED**

***D Persson***

That Council place the Draft Manly Development Control Plan 2013 - Amendment 9 on public exhibition for a further period and report back to Council.

**9.3 BOAT TRAILER PARKING PILOT PROGRAM**

050/16 **RESOLVED**

***D Persson***

That:

- A. By Order of the Council made by this resolution the area described in the report under the heading, Description of the Declared area, be, on and from 15 July 2016 a declared area for the purposes of section 15A(1) of the Impounding Act 1993.
- B. The General Manager arrange for the publication of this Order in the Gazette and for the Order to contain details of the area declared.

**9.4 BUILDING FIRE SAFETY REPORT BY FIRE & RESCUE NSW - 21 ROGER STREET, BROOKVALE**

051/16 **RESOLVED**

***D Persson***

That Council:

- A. Do not issue an Order number 6, but continue to review the essential fire service measures for 21 Roger Street Brookvale as part of the annual fire safety statement submission process.
- B. Provide notice to Fire and Rescue NSW of the above determination.

**9.5 ADOPTION OF NORTHERN BEACHES COUNCIL SECTION 94A PLAN 2016**

052/16 **RESOLVED**

***D Persson***

That Council adopt the Draft Northern Beaches Council Section 94A Plan 2016 to commence on 16 July 2016.

## 10.0 Transformation, People & Culture Division Reports

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

053/16 RESOLVED

**D Persson**

That Council note the meeting notes from the:

- A. Implementation Advisory Group meeting held on 8 June 2016 and approve all actions to be progressed within current operational resources.
- B. Social, Economic and Environment Local Representation Committee meetings held on 15 June 2016.

## 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

*The meeting concluded at 8:39 pm*

This is the final page of the minutes comprising 14 pages numbered 1 to 14 of the Extraordinary Council Meeting held on Thursday 7 July 2016 and confirmed on Tuesday 9 August 2016

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Mayor

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General Manager