

MINUTES

EXTRAORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

THURSDAY 16 JUNE 2016

(2016/3)

**Minutes of an Extraordinary Meeting of Council
held on Thursday 16 June 2016
at the Civic Centre, Dee Why
Commencing at 6:33pm**

ATTENDANCE:

Administrator

Dick Persson, AM

Officers

Mark Ferguson	General Manager
Ben Taylor	Deputy General Manager Environment & Infrastructure
Stephen Clements	Deputy General Manager Planning & Community
Melinda Hewitt	Deputy General Manager Transformation, People & Culture
Henry Wong	Deputy General Manager
Beth Lawson	Deputy General Manager
Anthony Hewton	Executive Manager
Melissa Lee	Governance Manager
Katie Kirwan	A/Coordinator Governance
Ximena Von Oven	Administration Officer Governance
Sylwia Stafford	IM&T Support Officer

NOTES

The meeting commenced at 6:33pm and concluded at 8:30pm

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

NOTE: *The Administrator acknowledged the presence of the following former councillors: Michael Regan, former Mayor of Warringah, Jean Hay AM, former Mayor of Manly, Kylie Ferguson, former Deputy Mayor of Pittwater, Candy Bingham, Sue Heins, Vanessa Moskal and Ian White.*

1.0 APOLOGIES

Nil

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF EXTRAORDINARY MEETING HELD ON 2 JUNE 2016

020/16 RESOLVED

D Persson

That the Minutes of the Ordinary Council Meeting held on 2 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 Kelvin Auld made statements regarding the agreement between Woolworths and Pittwater Council in relation to the sale of public land, and public exhibition of the draft Mona Vale Place plan.

4.2 Valerie Jensen made a statement regarding issues with traffic noise opposite Blackmore's in Warriewood.

4.3 Christina Kirsch made a statement regarding community consultation.

4.4 Richard Michell made a statement regarding community consultation in relation to the proposed cycle path in Howard Avenue, Dee Why.

- 4.5 **Brian Halstead made a statement with regards to the reporting of accounts of the three former council's.**
- 4.6 **Michael Syme made a statement in relation to the lease of the North Shore Bee Keepers Association clubhouse from Crown Lands.**
- 4.7 **David Parsons made a statement in relation to the current development application and submissions process.**
- 4.8 **David Murray made a statement in relation to parkland at Mona Vale.**
- 4.9 **Joe Sali made a statement in relation to parking at Kalinya Street and Queens Parade, Newport.**
- 4.10 **Dave Thompson made a statement on the parking issues at Kalinya Street, Newport.**

NOTE: *The Administrator invited Mr Angus Gordon, Consultant Coastal Engineer to the chamber floor to address Council in relation to the recent storm event.*

- 4.11 **Michael Mahlberg made a statement in relation to the recent storm event.**
- 4.12 **Anna Cagorski made a statement in relation to the recent storm event.**
- 4.13 **Josh Dowse made a statement in relation to the Coastal Zone Management Plan and the recent storm event.**
- 4.14 **Mike Renie made a statement in relation to the lack of legal definition for the foreshore and rock wall between Marquesa apartments and Walsh Street.**
- 4.15 **Brendan Donohoe on behalf of Surfriders Association made a statement in relation to the recent storm event.**

5.0 ADMINISTRATOR'S MINUTES

5.1 ADMINISTRATOR'S MINUTE NO 4/2016 - FUTURE OF PLAYGROUNDS - ACCESSIBILITY AND INCLUSION

BACKGROUND

NOTE: *Former Mayor of Warringah, Michael Regan and Caroline Ghatt addressed Council on the Item.*

The former Mayor of Warringah met with a resident, Ms Caroline Ghatt regarding the future designing of playgrounds. Ms Ghatt raised attention of the importance of designing for "inclusivity" (not only "accessibility") into future playgrounds and in the upgrade of playgrounds.

Ms Ghatt is passionate about this issue and started a Facebook Group - Play For All Australia:

"We are a group of parents, families and friends who believe in the power of play. We want to see more playgrounds across Australia inclusive to all children. We are campaigning for new and upgrading local council playgrounds to be made accessible and inclusive to all kids - including those children with special needs. Playgrounds bring kids together, and help them learn, grow and share in fun. Play is for everyone."

I am pleased to hear, that as Administrator, the key focus of future playground planning and strategy for the Northern Beaches Council is "Accessibility and Inclusion" for all playgrounds and this planning together has commenced. Playgrounds will be rationalised and recategorised for consistency, equality and distance/ amenity to ensure fairness in the provision and distribution of play spaces across the region.

The staff teams commenced working this week towards the amalgamation of relevant planning documents for a consistent approach to playgrounds across the Northern Beaches Local Government Area. This will be developed in consultation with the community. Documents were disseminated to relevant teams for their review and reporting to the next meeting at the end of June 2016.

The principles of Accessibility and Inclusiveness for play will be key inclusions through out the planning and delivery of playgrounds for all of the community.

The Northern Beaches Playground Strategy will meet the request of the resident Ms Ghatt:

"to have safe and accessible open spaces that support inclusion and foster a sense of belonging."

and:

"... taking the design beyond ACCESS and into the INCLUSION of all members of the community. Access means making concessions to enable persons with differences to use a space like ramps or special amenities. Inclusion empowers people of all abilities to utilise a space."

As the starting point for all new and upgraded playgrounds across the northern beaches, as Administrator, I am keen to advocate for playgrounds in the region of the northern beaches to be accessible and inclusive in design and delivery.

I want our playgrounds to provide rich and multi-sensory play experiences for all children including those with special needs. This important issue will be addressed in the Northern Beaches Council Disability Inclusion Plan.

021/16 **RESOLVED**

D Persson

That Council:

- A. Ensure Accessible and Inclusive design is the starting point for all new playgrounds and all playgrounds to be refurbished in the future for this region.
- B. Establish an operational plan to refurbish all playgrounds in the next three (3) years.

5.2 ADMINISTRATOR'S MINUTE NO 5/2016 - THE INCORPORATION OF COUNCIL LANDS INTO KU-RING-GAI CHASE NATIONAL PARK

BACKGROUND

Northern Beaches Council has extensive land holdings on the Western Foreshores of the Pittwater waterway that can be readily transferred into the National park. The majority of these land parcels are contiguous and indiscernible from Ku-ring-gai Chase National Park with side by side lots being in different land ownership. I understand that this is a historical legacy of past dedications and gazettals that has been ongoing over time. To simplify the management of the land and ensure its protection in perpetuity I propose to transfer this land to NSW Office of Environment and Heritage for incorporation into the Ku-ring-gai Chase National Park.

I am advised that all identified Council owned lots on the west foreshore are classified as community lands under the Local Government Act 1993. Additionally, the majority of the parcels are zoned E2 - Environmental Conservation, with the remaining lands zoned RE1 - Public Recreation.

Section 45(4) of Local Government Act 1993 allows Council the "selling, exchanging or otherwise disposing of community land for the purpose of enabling that land to become, or be added to, a Crown reserve or to become, or be added to, land that is reserved or dedicated under the National Parks and Wildlife Act 1974".

PROPOSAL

Maintaining and protecting the scenic character and recognising the outstanding natural values of lands on the western foreshore is a high priority for this Council. There are approximately 20 hectares that can be readily transferred with a mix of lot sizes. I propose that the enlargement of the national park be progressed for lands that are contiguous with the National Park.

Before deciding which parcels could be included, it is important to consider the economic value they provide to the community relative to their environmental or recreational value. Additionally, there would be specific exclusion in relation to parcels that are:

- not contiguous with the National Park;
- encumbered lands that can't be readily transferred;
- required to provide ready access to or from wharves;
- lands that form part of the Currawong Reserve Trust;
- lands that contain Council assets, for example Rural Fire Brigade stations.

CONSULTATION

The tenure of some of these land parcels is complex and requires consultation with the Office of Environment and Heritage and interested stakeholders before determining how they can best be included in the Ku-ring-gai Chase National Park. I will request a report into these parcels before making a final recommendation.

Obviously the transfer of the unique area of the Northern Beaches Council is an advantage to most and I would like to encourage strong community support for the settling of the long-term management for these land parcels.

TIMING

The transfer of lands will require further investigation, and prior to finalising a list of parcels for inclusion I would like staff to report on the costs, opportunities and constraints of including these land parcels. I understand this report can be prepared within 3 months. I recognise that the transfer of lands and the gazettal of the Ku-ring-gai Chase National Park expansion will be determined by the workload of the Office of Environment and Heritage, however I will write to the Member for Pittwater, the Hon. Rob Stokes to seek his assistance in prioritising the expansion.

COST

I am advised that the initial costs are in the areas of both due diligence investigations and the preparation and completion of the transfer of lands. I will ask the General Manager to determine what costs are likely to be incurred and these costs included in the staff report mentioned above.

CONCLUSION

There is an opportunity for the improved protection and management of the unique environment of the Western Foreshores of Pittwater. These land transfers create the opportunity to progress this unique opportunity to expand the conservation area around environmental boundaries removing the differing land tenures of the artificial administrative boundaries, and improve the long-term strategic management of this important asset.

022/16 RESOLVED

D Persson

That Council:

- A. Consult with relevant State Government departments and other stakeholders regarding the transfer of identified Council lands into Ku-ring-gai Chase National Park.
- B. Undertake the required investigations to identify any encumbrances, opportunities or constraints to the transfer of these lands into Ku-ring-gai Chase National Park.
- C. Write a letter to the Member for Pittwater, the Hon. Rob Stokes MP to seek his support to expedite the land transfer.
- D. Prepare a report within three (3) months outlining the progress of this and any other matters relevant to the transfer of the land into Ku-ring-gai Chase National Park.

6.0 GENERAL MANAGER'S REPORTS

Nil

7.0 CORPORATE SERVICES DIVISION REPORTS

7.1 NORTHERN BEACHES COUNCIL MEETING CYCLE - 2016

023/16 RESOLVED

D Persson

That Council:

A. Adopt the following Northern Beaches Meeting Schedule for the remainder of 2016:

Meeting No:	Meeting Type	Meeting Day	Meeting Date	Meeting Time	Location
2016/04	Extraordinary	Thursday	7 July 2016	6.30pm	Manly
2016/05	Ordinary	Tuesday	9 August 2016	6.30pm	Mona Vale
2016/06	Ordinary	Tuesday	23 August 2016	6.30pm	Dee Why
2016/07	Ordinary	Tuesday	13 September 2016	6.30pm	Manly
2016/08	Ordinary	Tuesday	27 September 2016	6.30pm	Mona Vale
2016/09	Ordinary	Tuesday	11 October 2016	6.30pm	Dee Why
2016/10	Ordinary	Tuesday	25 October 2016	6.30pm	Manly
2016/11	Ordinary	Tuesday	8 November 2016	6.30pm	Mona Vale
2016/12	Ordinary	Tuesday	22 November 2016	6.30pm	Dee Why
2016/13	Ordinary	Tuesday	13 December 2016	6.30pm	Manly

B. Prepare a further report to be brought to a December 2016 Council Meeting adopting a Council Meeting cycle for 2017 until the next NSW Local Government Elections (for merged councils) to be held in September 2017.

8.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

8.1 ESTABLISHMENT OF NORTHERN BEACHES LOCAL TRAFFIC COMMITTEE

024/16 RESOLVED

D Persson

That Council:

A. Formally establish the Local Traffic Management Committee for the Northern Beaches Council.

B. Appoint the following staff as sub-delegates for Council on the Northern Beaches Council Local Traffic Committee:

- a. Deputy General Manager Environment & Infrastructure
 - b. Urban Infrastructure Manager – North
 - c. Principal Engineer – Strategy, Investigation and Design - North
 - d. Group Manager Roads Traffic and Waste – Central
 - e. Manager Traffic and Road Safety – Central
 - f. Chief Operating Officer - South
- C. Formally thank the following recent former Chairs and representatives for their contribution to the Local Traffic Committees of the former Councils:
- a. Ms Sue Young, Chair former Pittwater Council Local Traffic Committee
 - b. Mr Jose Menano-Pires, Chair former Warringah Council Local Traffic Committee
 - c. Mr Alan Le Surf, Chair former Manly Council Local Traffic Committee
 - d. Mr Norman Monshall, Bicycle NSW Representative, former Warringah Local Traffic Committee
 - e. Mr Peter McNamara, Community Bicycle Representative, former Warringah Local Traffic Committee
- D. Note that meetings will be held monthly and reviewed after 3 months of the Committee's operation
- E. Appoint a cycling representative to sit on the Northern Beaches Local Traffic Committee in an advisory capacity following an expressions of interest process being undertaken.

NOTE: *The order of business is changed so that Items 8.3 - The Provision of Reticulated Water and Waste Water to Scotland Island, 9.1 - Minor Rezoning 47 Fisher Street and Surrounds, Balgowlah Heights, and 9.2 - Planning Proposal for 75m2 Secondary Dwellings within Existing Dwellings be dealt with as the next items of business on the agenda.*

8.3 THE PROVISION OF RETICULATED WATER AND WASTE WATER TO SCOTLAND ISLAND

025/16 **RESOLVED**

D Persson

NOTE: *Bill Gye on behalf of Scotland Island Residents Association (SIRA) addressed Council on the Item.*

NOTE: *Ian White addressed Council on the Item.*

That Council:

- A. Seeks NSW Government funding in 2016-17 for an options study for the provision of water and sewerage services to Scotland Island.
- B. Write to the Member for Pittwater, the Hon. Rob Stokes MP to seek his support for the project.

9.0 PLANNING & COMMUNITY DIVISION REPORTS

9.1 MINOR REZONING 47 FISHER STREET AND SURROUNDS, BALGOWLAH HEIGHTS

026/16 RESOLVED

D Persson

That Council:

- A. Prepare a planning proposal to rezone Lot 2759 DP 752038 to R2 Low Density Residential with the same floor space ratio, height of building and minimum lot size development standards as 47 Fisher Street and rezone Lot 1 DP 577319 as RE1 Public Recreation with the same development standards as the adjoining Heathcliff Park in the *Manly Local Environmental Plan 2013*.
- B. Prepare DCP Maps to be exhibited at the same time as the planning proposal adopting the same development controls as 47 Fisher Street for Lot 2759 DP 752038 and providing for normal RE1 DCP controls for Lot 1 DP 577319 within the Manly DCP 2013.

9.2 PLANNING PROPOSAL FOR 75M2 SECONDARY DWELLINGS WITHIN EXISTING DWELLINGS

027/16 RESOLVED

D Persson

That Council prepare a planning proposal adopting a similar clause to clause 6.10 of the *Warringah LEP 2011*, allowing secondary dwellings up to 75m² within existing dwelling houses applicable for Zones R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, E3 Environmental Management and E4 Environmental Living within the *Manly LEP 2013*.

8.2 RFT 2015/103 - MINOR WORKS PANEL - ASPHALTIC CONCRETE RESTORATION, ASPHALTIC CONCRETE HEAVY PATCHING AND CONCRETE RESTORATION WORKS

028/16 RESOLVED

D Persson

That Council resolve to accept the recommendation contained in the confidential report for Environment and Infrastructure, Report No. 15.1.

10.0 TRANSFORMATION, PEOPLE & CULTURE DIVISION REPORTS

Nil

11.0 NOTICES OF RESCISSION

11.1 NOTICE OF RESCISSION MOTION NO 1/2016 - ENVIRONMENT & INFRASTRUCTURE REPORT NO. 5 RFT 2015/105 WARRINGAH AQUATIC CENTRE ADJOINING LAND TENDER (MC/16/70732)

029/16 RESOLVED

D Persson

MOTION

That Council's Resolution No.14/16 relating to Environment & Infrastructure Report No. 5, RFT 2015/105 Warringah Aquatic Centre Adjoining Land Tender (MC/16/70732) passed at the extraordinary meeting of Council held on 2 June 2016 which reads as follows:

"That Council decline to accept any of the tenders received for RFT 2015/105 – Lease of Land Aquatic Drive, Frenchs Forest."

be and is hereby rescinded.

CONSEQUENTIAL MOTION - RFT 2015/105 WARRINGAH AQUATIC CENTRE ADJOINING LAND TENDER

030/16 RESOLVED

D Persson

That:

- A. Council decline to accept any of the tenders received for RFT 2015/105 – Lease of Land Aquatic Drive, Frenchs Forest and:
 - a. Undertake further environmental assessments with regard to the impact on the surrounding bushland and the buildable area
 - b. If an appropriate buildable area is defined, enter into negotiations with Manly Warringah Gymnastic Club and St Augustine's College Sydney, with a view to entering into a contract in relation to the subject matter of the tender.
- B The matter be reported back to Council for final determination.

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 8:30pm

This is the final page of the minutes comprising 12 pages
numbered 1 to 12 of the Extraordinary Council Meeting
held on Thursday 16 June 2016 and confirmed on Tuesday 28 June 2016

Administrator

General Manager