



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 27 FEBRUARY 2018

**Minutes of an Ordinary Meeting of Council
held on Tuesday 27 February 2018
at the Civic Centre, Dee Why
Commencing at 6:32pm**

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
Rory Amon
Pat Daley OAM
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Rosslyn Harrison
Sue Heins
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren
Ian White

Officers

Mark Ferguson	Chief Executive Officer
Ben Taylor	General Manager Environment & Infrastructure
David Kerr	General Manager Planning Place & Community
Sonya Gallery	Acting General Manager Customer & Corporate
Andrew Pigott	Executive Manager Strategic & Place Planning
Kylie Walshe	Executive Manager Community, Arts & Culture
Neil Williamson	Executive Manager Environmental Compliance
Eskil Julliard	General Counsel
Tracey Bennett	Manager Governance
Sherryn McPherson	Acting Governance Coordinator
Jasmine Evans	Governance Officer
Don Morales	IT Officer Administration & Special Projects

Notes

The meeting commenced at 6.32pm and closed at 11.13pm.

1.0 APOLOGIES

Nil

2.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Nil

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 19 DECEMBER 2017

001/18 RESOLVED

Cr Heins / Cr Amon

That the Minutes of the Ordinary Council Meeting held on 19 December 2017, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

FOR: Unanimous

CARRIED

3.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 19 DECEMBER 2017

002/18 RESOLVED

Cr Ferguson / Cr De Luca

That the Minutes of the Extraordinary Council Meeting held on 19 December 2017, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

FOR: Unanimous

CARRIED

4.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE: The Mayor 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.

PUBLIC FORUM SPEAKERS:

- 4.1 Richard West addressed Council in regard to the Palm Beach and Whale Beach Association's 100 year anniversary.

PROCEDURAL MOTION - EXTENSION OF TIME

003/18 **RESOLVED**

Cr McTaggart / Cr Amon

That Richard West be granted an extension of 3 minutes to address the meeting.

VOTING

FOR: Crs Amon, Daley, De Luca, Ferguson, McTaggart, Sprott, Walton, Warren and White

AGAINST: Crs Bingham, Grattan, Harrison, Heins, Philpott and Regan

CARRIED

- 4.2 Cleveland Rose addressed Council in regard to Howard Avenue, Dee Why.

PROCEDURAL MOTION - EXTENSION OF TIME

Cr Warren / Cr Philpott

That Cleveland Rose be granted an extension of 3 minutes to address the meeting.

VOTING

FOR: Crs Bingham, Ferguson, Philpott, Sprott, Walton and Warren

AGAINST: Crs Amon, Daley, De Luca, Grattan, Harrison, Heins, McTaggart, Regan and White

LOST

- 4.3 Kerri-Ann Breheny addressed Council in regard to the Palm Beach Parking Demand Management Strategy.
- 4.4 Stephen Guildford addressed Council in regard to the Palm Beach (South) Landscape Masterplan Kiddies Corner.
- 4.5 Michael Olofinsky addressed Council in regard to Morgan Road, Oxford Falls.
- 4.6 Jack Tilburn addressed Council in regard to the Office of Integrity & Complaints Resolution.
- 4.7 David Tribe addressed Council in regard to current infrastructure in the area and the demands of an increasing population.
- 4.8 David Murray addressed Council in regard to removable history.

PUBLIC ADDRESS SPEAKERS:

4.9 Item 6.1 - Mayoral Minute No 01/2018 - Affordable Housing Legislation Proposed Amendments

Rebecca Mitchell addressed the meeting speaking in support of the recommendation on this item.

4.10 Item 11.8 - Notice of Motion No 08/2018 - Frenchs Forest Rezoning, Planning Proposals Impacting Traffic

James Keene addressed the meeting speaking against the recommendation on this item and Peter Wheen addressed the meeting speaking in support of this item.

4.11 Item 8.3 - Northern Beaches Council Draft Code of Meeting Practice: Public Exhibition of Draft Code

Miranda Korzy addressed the meeting speaking against the recommendation on this item.

4.12 Item 8.4 - Policy for the Appointment of Community and Stakeholder Representatives to Council Committees

Mitch Geddes addressed the meeting speaking against the recommendation on this item.

4.13 Item 8.6 - Confirmed Minutes of the Audit, Risk & Improvement Committee Meeting

Bruce Kitson addressed the meeting speaking against the recommendation on this item.

4.14 Item 11.9 - Notice of Motion No 09/2018 - Proposed Cafe at Heritage Listed Narrabeen Rock Pool

Peter Collings and Elizabeth Kelly addressed the meeting speaking in support of this item.

5.0 ITEMS RESOLVED BY EXCEPTION

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

Note: Councillor Warren left the chamber at 7.44pm and returned at 7.46pm.

004/18 **RESOLVED**

Cr Ferguson / Cr Amon

That Items 7.2, 7.3, 7.4, 7.5, 8.1, 8.5, 9.2, 9.3, 9.4, 10.1, 10.2, 10.4, 10.6, 10.7 and 10.8 are dealt with by exception with the recommendations of the Chief Executive Officer / General Managers being adopted.

VOTING

FOR: Unanimous

CARRIED

7.2 FINANCIAL STATEMENTS AND AUDIT REPORTS FOR THE PERIOD ENDED 30 JUNE 2017

005/18 **RESOLVED**

Cr Ferguson / Cr Amon

That:

- A. In accordance with Section 419 (1) of the Local Government Act 1993, the audited Financial Statements and the Auditor's Reports for 2016/2017 are hereby received and noted.
- B. A further report be presented to Council on 27 March 2018 detailing any submissions received in respect of Councils' audited Financial Statements, if applicable.

RESOLVED BY EXCEPTION

7.3 MONTHLY INVESTMENT REPORT - DECEMBER 2017

006/18 **RESOLVED**

Cr Ferguson / Cr Amon

That Council receive and note the Investment Report as at 31 December 2017, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

7.4 MONTHLY INVESTMENT REPORT - JANUARY 2018

007/18 **RESOLVED**

Cr Ferguson / Cr Amon

That Council receive and note the Investment Report as at 31 January 2018, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

7.5 STRONGER COMMUNITY FUND - QUARTERLY UPDATE - DECEMBER 2017

008/18 **RESOLVED**

Cr Ferguson / Cr Amon

That Council note the Stronger Communities Fund December 2017 Quarterly Update.

RESOLVED BY EXCEPTION

8.1 DELEGATED AUTHORITY TO THE MAYOR DURING THE 2017-2018 RECESS PERIOD

009/18 **RESOLVED**

Cr Ferguson / Cr Amon

That Council note that the authority delegated to the Mayor by the Council from 20 December 2017 to 30 January 2018 inclusive was not exercised.

RESOLVED BY EXCEPTION

8.5 COMMUNITY COMMITTEE FRAMEWORK - TERMS OF REFERENCE

010/18 **RESOLVED**

Cr Ferguson / Cr Amon

That:

- A. Council adopt the Terms of Reference and Charters as detailed in the report for the following Terms of Reference and Charters:
- Conduct Review Committee
 - Ingleside Community Reference Group
 - Northern Beaches Flood Management Committee (New)
 - Northern Beaches Hospital Precinct Consultation Committee (New)
 - Northern Beaches Safety Advisory Committee (New).
- B. Council note the Terms of Reference and Charters as detailed in the report.
- Currawong State Park Advisory Committee
 - Manly Warringah War Memorial State Park Advisory Committee (New)
 - Narrabeen Lagoon State Park Advisory Committee
 - ClubGRANTS Committee
 - NB Indoor Sports Centre Board
 - PCYC Advisory Committee

RESOLVED BY EXCEPTION

9.2 SALE OF COUNCIL LAND AT 66A HERBERT AVENUE NEWPORT

011/18 **RESOLVED**

Cr Ferguson / Cr Amon

That:

- A. Council authorises the disposal of the subject land (Lot 203 DP 1219179) in accordance with its Road Reserve and Streetscape Management Policy No.193 and Property Management Policy No.200 (purchase price subject to independent valuation) and the sale is subject to the land being consolidated with the adjoining land at 66 Herbert Avenue, Newport (Lot 153 DP 13457).
- B. Council authorises the carrying out of all things necessary to give effect to this resolution including the execution of any required documentation under Power of Attorney.
- C. Council authorises all costs associated with the proposal referred to in this resolution, including but not limited to, Council's legal costs and GST if applicable, be funded by the applicant.

RESOLVED BY EXCEPTION

9.3 ROGER STREET BROOKVALE - PROPOSED ROAD RESERVE CLOSURE AND SALE OF LAND ADJACENT TO 24 ROGER STREET BROOKVALE

012/18 **RESOLVED**

Cr Ferguson / Cr Amon

That:

- A. Council authorises an application to NSW Department of Industry – Lands for road reserve closure under the provisions of the Roads Act 1993 for the road identified in this report being part Roger Street, Brookvale adjacent to 24 Roger Street, Brookvale (Lot 91 DP 593049).
- B. Council authorises the disposal of the subject land in accordance with its Disposal of Surplus Road Reserve Policy GOV-PL 820 and Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810 subject to the land being consolidated with the adjoining land at 24 Roger Street, Brookvale (Lot 91 DP 593049)
- C. Council authorises the carrying out of all things necessary to give effect to this resolution including the execution of any required documentation under power of attorney
- D. Council authorises all costs associated with the proposal referred to in this resolution, including but not limited to, Council's legal costs and GST if applicable, be funded by the applicant.

RESOLVED BY EXCEPTION

9.4 ADOPTION OF NORTHERN BEACHES ASSET MANAGEMENT POLICY FOLLOWING PUBLIC EXHIBITION

013/18 RESOLVED

Cr Ferguson / Cr Amon

That:

- A. Council adopt the draft Asset Management Policy.
- B. Council rescind the three former Councils' Asset Management Policies.

RESOLVED BY EXCEPTION

10.1 PLANNING PROPOSAL TO PERMIT ADDITIONAL USES AND INCREASE THE MAXIMUM BUILDING HEIGHT AT 1-3 RODBOROUGH ROAD, FRENCHS FOREST

014/18 RESOLVED

Cr Ferguson / Cr Amon

That Council reject the Planning Proposal lodged for 1-3 Rodborough Road, Frenchs Forest and do not submit it to the NSW Department of Planning & Environment for a Gateway Determination for the following reasons:

- A. The Planning Proposal is inconsistent with the strategic planning direction for Frenchs Forest as established by *A Plan for Growing Sydney*, draft *Greater Sydney Region Plan*, and revised draft North District Plan.
- B. The Planning Proposal is inconsistent with Council's adopted *Northern Beaches Hospital Precinct Structure Plan (2017)*.
- C. The Planning Proposal has not demonstrated strategic merit or site-specific merit in line with the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals (2016)*.
- D. The Planning Proposal is inconsistent with the following Local Planning Directions:
 - a. 1.1 Business and Industrial Zones
 - b. 3.4 Integrating Land Use and Transport
 - c. 5.10 Implementation of Regional Plans
 - d. 6.3 Site Specific Provisions
 - e. 7.1 Implementation of *A Plan for Growing Sydney*
- E. The outcome of the Planning Proposal is not considered an appropriate strategic and development outcome because:
 - a. the Proposal does not take into account or satisfactorily address local and regional traffic and transport constraints. The Applicant's traffic report considers a single intersection's performance and inaccurately states that there is additional network capacity – this is contrary to Roads and Maritime Services advice provided throughout the Northern Beaches Hospital Precinct Structure Plan process that any growth east of Wakehurst Parkway cannot be supported by the existing local road network

- b. the Proposal will undermine the existing strategic advantage of the Frenchs Forest Business Park and the future flexibility of surrounding businesses to respond to economic opportunities, particularly those associated with the new hospital such as innovative health and medical related premises. The introduction of residential and non-employment uses would set an undesirable precedent. This could also impact on the ability for Frenchs Forest to grow as a Strategic Centre and achieve the State target of 12,000 to 13,000 jobs by 2036 as per the *Revised Draft North District Plan*. The scale of the proposed development, in combination with the site's location, has the potential to affect the amenity of future residents and the surrounding locality. This includes safety concerns with walkability, low amenity due to the subject site's location away from public spaces and services, noise and conflict with surrounding commercial and industrial uses, and impacts to residents and workers particularly with regards to traffic and parking.
- F. The Proposal will set a policy precedent by introducing non-conforming uses into the Business Park. If this occurs, the strategic vision for Frenchs Forest will be undermined, increasing the pressure to allow other sites within the Business Park to also redevelop for these uses through ad hoc planning proposals. Such proposals undermine the orderly planning process and Council's ability to deliver required infrastructure and meet housing and employment targets.
- G. The information and studies provided in conjunction with the Planning Proposal do not adequately justify the impacts that the proposed changes would have on the surrounding area, particularly with regards to traffic, local infrastructure, amenity, and economic impacts.

RESOLVED BY EXCEPTION**10.2 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS - STATE ENVIRONMENTAL PLANNING POLICY NO.1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF MANLY LOCAL ENVIRONMENT PLAN, PITTWATER LOCAL ENVIRONMENTAL PLAN AND WARRINGAH LOCAL ENVIRONMENTAL PLAN**

015/18 RESOLVED

Cr Ferguson / Cr Amon

That Council notes the development applications granted approval with variations to development standards during the period 1 October 2017 to 31 December 2017.

RESOLVED BY EXCEPTION**10.4 PROPOSED INCLUSION OF NORTHERN BEACHES COUNCIL IN STATE ENVIRONMENTAL PLANNING POLICY 70 - AFFORDABLE HOUSING**

016/18 RESOLVED

Cr Ferguson / Cr Amon

That Council notes the report and Council's submission on Council's proposed inclusion in State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes) (SEPP 70).

RESOLVED BY EXCEPTION

10.6 STAGE ARTZ VENUE HIRE AT GLEN STREET THEATRE - REQUEST FOR FEE WAIVING

017/18 **RESOLVED**

Cr Ferguson / Cr Amon

That Council waive the venue hire fee for Stage Artz at Glen Street Theatre for three (3) days of hire from 14 to 16 September 2018, to the value of \$1,894.00.

RESOLVED BY EXCEPTION

10.7 COUNCIL'S SUBMISSION ON THE EXPLANATION OF INTENDED EFFECT FOR THE DRAFT STATE ENVIRONMENTAL PLANNING POLICY (ENVIRONMENT)

018/18 **RESOLVED**

Cr Ferguson / Cr Amon

That Council notes the submission made by Council Staff to the Department of Planning and Environment on the Explanation of Intended Effect draft State Environmental Planning Policy (Environment).

RESOLVED BY EXCEPTION

10.8 LOCAL PLANNING PANELS

019/18 **RESOLVED**

Cr Ferguson / Cr Amon

That:

- A. Council writes to the Minister for Planning and Environment to:
 - a. seek an amendment to the types of development applications to be determined by the Local Planning Panel, including exemption for class 1 dwelling houses that exceed development standards by 10% (i.e. height and floor space ratio)
 - b. seek clarification in relation to the wording of the draft Direction in relation to planning proposals and seek clarification regarding the process, timing and bureaucratic implications of the proposal.
- B. Council constitute the Local Planning Panel for Northern Beaches Council, replacing the Northern Beaches Independent Assessment Panel.
- C. Council revoke the delegations to the Northern Beaches Independent Assessment Panel (NBIAP), adopted on 27 June 2017 as contained in this report.

RESOLVED BY EXCEPTION

6.0 MAYORAL MINUTES

6.1 MAYORAL MINUTE NO 01/2018 - AFFORDABLE HOUSING LEGISLATION PROPOSED AMENDMENTS

NOTE: With the agreement of the Mayor and Councilors Amon, Sprott and Walton, the recommendation of this item is combined with part of 11.8 Notice of Motion 08/2018 - Frenchs Forest Rezoning, Planning Proposals and 11.13 Notice of Motion 13/2018 - Review of the State Environmental Planning Policy (Affordable Rental Housing) 2009, Division 3 Boarding Houses.

020/18 **RESOLVED**

Cr Regan

RECOMMENDATION OF MAYOR AND COUNCILORS

That:

- A. Council writes to the Minister for Planning to seek a review of the SEPP to provide for this much needed type of housing but in a form that respects local character and the amenity of the whole community and allows us to plan infrastructure to support them. Public transport, parking on site (or alternatives such as Car share) and Density controls should be immediately amended / included in the review.
- B. Council commit to work with the State Government to deliver appropriate affordable housing outcomes for the Northern Beaches.
- C. Council supports orderly planning processes.
- D. Council in view of the fact that traffic and congestion have never been worse in the Northern Beaches local government area, Council calls upon the State Government to plan for and put in place as a matter of the utmost priority appropriate and environmentally sustainable major road and public transport infrastructure that will alleviate present and likely future traffic and congestion
- E. Council writes to the NSW Government Minister for Planning, and all Northern Beaches State MPs urging a moratorium and review of the State Environmental Planning Policy (Affordable Rental House) 2009, including insofar as it relates to boarding houses, with such review to consider the following changes (as well as other possible changes arising during the course of the review):
 - a. limiting the zoning type in which boarding house developments can occur by reducing the distance they must be from transport hubs and B2 and B4 zones, or by prohibiting boarding house development in certain residential zones
 - b. increasing the number of car spaces per boarding house room.
- F. Council write to the New South Wales Minister for Planning, the Honourable Anthony Roberts MP, requesting the imposition of a freeze on the current SEPP 2009 dealing with boarding houses, in view of commencing a review of Division 3 of that SEPP. This review should consider amongst other issues that:
 - a. the guidelines applying to car parking of the SEPP do not address the adverse implications and impositions which may be inflicted upon the variance of local communities. The Northern Beaches Council recommends to the Minister that as a minimum, the car parking requirements should meet the criteria which local councils car parking requirements are applicable to that of a one bedroom apartment

- b. the Minister take into account the differences in makeup of local government areas, and apply differential development criteria dependent upon the location i.e. consider the Development Control Plans which are applicable to each local government area.

VOTING

FOR: Unanimous

CARRIED

6.2 MAYORAL MINUTE NO 02/2018 - COMPACTING BINS IN PUBLIC PLACES - PROPOSED TRIAL

021/18 **RESOLVED**

Cr Regan

That:

- A. Council endorse a trial of compacting public place garbage bins at two suitable locations.
- B. Council allocate appropriate funding in the draft 2018/19 Budget for the trial with a view to, if successful, implementing this technology at other suitable locations from 2019/2020.

VOTING

FOR: Crs Amon, Bingham, Daley, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Warren and White

AGAINST: Cr Walton

CARRIED

7.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

7.1 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2017

NOTE 1: Councillor Bingham left the chamber at 8:02pm and returned at 8:03pm.

NOTE 2: Councillor Heins left the chamber at 8:02pm and returned at 8:05pm.

022/18 **RESOLVED**

Cr Ferguson / Cr Regan

That:

- A. Council notes the Budget Review Statement for the six months ended 31 December 2017.
- B. Council approve the following changes to the Current Forecast in the December 2017 Business Review Statement:
 - a. an increase in the forecast Surplus from Continuing Operations which includes Capital Grants and Contributions of \$29,806,000 to \$58,621,656
 - b. a decrease in capital expenditure by \$14,928,891.
- C. An amount of \$500,000 towards the stage 2 of the Forestville War Memorial Playing Fields be included in the 2018/2019 budget.

VOTING

FOR: Unanimous

CARRIED

8.0 CUSTOMER & CORPORATE DIVISION REPORTS

8.2 DRAFT SUBMISSION TO OFFICE OF LOCAL GOVERNMENT - CONSULTATION DRAFT CODE OF MEETING PRACTICE

023/18 **RESOLVED**

Cr Regan / Cr White

That Council forward the draft Northern Beaches Council submission to the Office of Local Government on the Consultation Draft Model Code of Meeting Practice for Local Councils in NSW.

VOTING

FOR: Crs Amon, Bingham, Daley, Grattan, Heins, Philpott, Regan and White

AGAINST: Crs De Luca, Ferguson, Harrison, McTaggart, Sprott, Walton and Warren

CARRIED

8.3 NORTHERN BEACHES COUNCIL DRAFT CODE OF MEETING PRACTICE: PUBLIC EXHIBITION OF DRAFT CODE

NOTE: Councillor Philpott left the chamber at 8:47pm and returned at 8:52pm.

024/18 **RESOLVED**

Cr De Luca / Cr Ferguson

That:

- A. Council place the draft Northern Beaches Council Code of Meeting Practice on Public Exhibition for a period of 28 days.
- B. A report be brought back to Council at the end of the exhibition period addressing any submissions received.
- C. Council change Clause 4.14 so it accords with the wording of the Office of Local Government and reads:

A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- a. prepare a report on the availability of funds for implementing the motion if adopted, or*
- b. by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.*

- D. Council add as Clause 5.19, Public Forum:
 - a. a Public forum will be conducted at each Ordinary Council Meeting for a period of 30 minutes (maximum of 10 speakers at 3 minutes each)*
 - b. Public Forum should not be used to raise routine questions, matters or complaints. Such matters should be forwarded in writing to Council where they will be responded to by appropriate Council offices*
 - c. any question to Council must be submitted with the request to address Council and will be reviewed by staff prior to the meeting. If the question is deemed to be a routine matter it will be processed as a customer request and a response will be provided in accordance with customer service standards*
 - d. if a question cannot be answered at the meeting a written response will be provided in accordance with customer service standards.*

VOTING

FOR: Crs Amon, Daley, De Luca, Ferguson, Grattan, Harrison, McTaggart, Spratt, Walton, Warren and White

AGAINST: Crs Bingham, Heins, Philpott and Regan

CARRIED

AMENDMENT

Cr White / Cr Regan

That:

- A. The Draft Northern Beaches Council Code of Meeting Practice be placed on public exhibition for a period of 28 days.
- B. A report be brought back to Council at the end of the exhibition period addressing any submissions received.

VOTING

FOR: Crs Bingham, Grattan, Harrison, Heins, Philpott, Regan and White

AGAINST: Crs Amon, Daley, De Luca, Ferguson, McTaggart, Sprott, Walton and Warren

LOST

PROCEDURAL MOTION - MOTION BE PUT

025/18 **RESOLVED**

Cr Regan

That the motion be now put.

VOTING

FOR: Unanimous

CARRIED

8.4 POLICY FOR THE APPOINTMENT OF COMMUNITY AND STAKEHOLDER REPRESENTATIVES TO COUNCIL COMMITTEES - OUTCOMES FROM PUBLIC EXHIBITION

026/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That this item be deferred and be brought back to Council at the Ordinary Council Meeting on 17 April 2018.

VOTING

FOR: Unanimous

CARRIED

8.6 CONFIRMED MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD ON 14 NOVEMBER 2017 AND THE EXTRAORDINARY MEETING HELD ON 13 DECEMBER 2017

027/18 **RESOLVED**

Cr Heins / Cr Ferguson

That Council notes the confirmed minutes of the Audit, Risk and Improvement Committee Meeting held on 14 November 2017 and the Extraordinary Meeting of the Audit, Risk and Improvement Committee held on 13 December 2017.

VOTING

FOR: Unanimous

CARRIED

9.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

9.1 PALM BEACH ROAD - PROPOSED ROAD RESERVE CLOSURE AND SALE OF LAND ADJACENT TO 22 PALM BEACH ROAD, PALM BEACH

NOTE: Councillor Grattan left the chamber at 9:02pm and returned at 9:04pm.

028/18 **RESOLVED**

Cr Amon / Cr McTaggart

That:

- A. Council authorises an application to NSW Department of Industry – Lands for road reserve closure under the provisions of the Roads Act 1993 for the road identified in this report being part Palm Beach Road, Palm Beach adjacent to 22 Palm Beach Road, Palm Beach (Lot 11 DP 14299).
- B. Council dispose of the subject land in accordance with its Road Reserve and Streetscape Management Policy No.193 and Property Management Policy No.200 (purchase price subject to independent valuation) and the sale is subject to the land being consolidated with the adjoining land at 22 Palm Beach Road, Palm Beach (Lot 11 DP 14299).
- C. Council authorises the carrying out of all things necessary to give effect to this resolution including the execution of any required documentation under Power of Attorney.
- D. Council authorises all costs associated with the proposal referred to in this resolution, including but not limited to, Council's legal costs and GST if applicable, be funded by the applicant.
- E. Following the sale of the road reserve adjacent to 22 Palm Beach Rd, Council report back to Councillors in a briefing the sale price and feasibility (in terms of the cost to construct stairs versus the sale price, as well as whether it can physically constructed in that area) of investing those proceeds in projects in the local area, including the possible construction of stairs on the grassy hill opposite 22 Palm Beach Rd.

VOTING

FOR: Unanimous

CARRIED

9.5 REPORT ON ACCELERATION OF SPORTSFIELD LIGHTING PROGRAM

NOTE 1: Councillor Amon left the chamber at 9:08pm and returned at 9:10pm.

NOTE 2: Councillor Daley left the chamber at 9:09pm and returned at 9:11pm.

NOTE 3: Councillor Heins left the chamber at 9:13 pm and returned at 9:15pm.

029/18 **RESOLVED**

Cr Regan / Cr Heins

That:

- A. Council endorse the Sportsfield lighting program under the Northern Beaches Sportsground Strategy be accelerated as outlined in this report and Council's Capital Works Program be planned accordingly.
- B. Should Tristram Road not go ahead, that Newport and Beacon Hill Oval or other high priorities be given consideration to replace it.

VOTING

FOR: Unanimous

CARRIED

9.6 PROGRESS REPORT ON THE NORTHERN BEACHES UNLEASHED DOG EXERCISE AREAS

030/18 **RESOLVED**

Cr Bingham / Cr Amon

That:

- A. Council endorse a draft Northern Beaches integrated policy for unleashed dog exercise areas and dog management be presented to Council for consideration by September 2018.
- B. Council endorse a 4 year plan to be developed to guide the upgrade of unleashed dog exercise areas based on the upgrade principles outlined in this report.
- C. The 4 year plan includes options to spread the high demand usage of existing unleashed dog areas by providing a range of strategies including the promotion of existing unleashed sites and the provision of additional unleashed dog areas.

VOTING

FOR: Unanimous

CARRIED

9.7 RFT 2017/173 - MELWOOD OVAL NETBALL COURTS AND CAR PARK

031/18 **RESOLVED**

Cr Harrison / Cr Regan

That:

- A. Council in accordance with Clause 178 of the *Local Government (General) Regulation 2005*, decline to accept any of the tenders for RFT 2017/173 – Melwood Oval Netball Courts and Carpark and cancel the proposal for the contract.
- B. Council proceed with the reduced scope for the project detailed in the body of the report.

VOTING

FOR: Unanimous

CARRIED

10.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

10.3 MANLY TOWN CENTRE IMPROVEMENTS AND UPGRADES

NOTE 1: Councillor Harrison left the chamber at 9:24pm and returned at 9:26pm.

NOTE 2: Councillor Warren left the chamber at 9:24pm and returned at 9:25pm.

032/18 **RESOLVED**

Cr Daley / Cr Bingham

That:

- A. Council notes the actions reported regarding:
 - a. cleaning and maintenance in The Corso and surrounds
 - b. current and proposed community engagement in Manly.
- B. Council notes the opportunities reported including options for review of *Manly 2015* including:
 - a. further ongoing opportunities for Laneway Activation projects
 - b. a review of key sites where laneway activation has occurred to identify issues, including the management of conflicts with utility services, and in particular problems associated with waste storage near alfresco dining areas
 - c. investigation into elements of the Masterplan involving Beach Terrace Grand Boulevard (Belgrave Street)
 - d. and the wider Manly Cove precinct comprising Manly Wharf, Manly Aquarium, Manly Pavilion, Manly Art Gallery and Museum and various foreshore Clubs and boating facilities and services.

VOTING

FOR: Unanimous

CARRIED

10.5 YOUTH WELLBEING HUB

033/18 RESOLVED

Cr Ferguson / Cr Regan

That:

- A. Council approve the allocation of \$90,000 per year for two years commencing 2017/18 to The Burdekin Association for the purpose of establishing a Youth Wellbeing Hub in the northern part of the local government area.
- B. Council notes that staff are liaising with additional various NGO agencies led by the Burdekin Association.

VOTING

FOR: Unanimous

CARRIED

11.0 NOTICES OF MOTION

11.1 NOTICE OF MOTION NO 01/2018 - BAYVIEW TO CHURCH POINT "MISSING LINK"

034/18 RESOLVED

Cr McTaggart / Cr Ferguson

That Council support the concept of a board walk on the missing link on the Bayview Church Point walkway and ask staff to prepare a briefing note for Councillors by April 2018 on an approximate cost for inclusion in the 2018/19 or 2019/20 Budget as well as any grants which may be available for this project.

VOTING

FOR: Unanimous

CARRIED

11.2 NOTICE OF MOTION NO 02/2018 - PRESERVATION OF EXISTING STAND OF TREES ALONG THE NORTHERN SIDE OF WARRINGAH ROAD OUTSIDE FOREST HIGH SCHOOL

NOTE: Councillor Ferguson left the chamber at 9:47pm and returned at 9:48pm.

035/18 RESOLVED

Cr Sprott / Cr Philpott

That Council investigates the options of preserving and protecting the existing stand of trees along the Northern side of Warringah Rd outside Forest High School.

VOTING

FOR: Unanimous

CARRIED

11.3 NOTICE OF MOTION NO 03/2018 - REPORT TO COUNCILLORS RE FEASIBILITY AND COST OF RATEPAYERS RECEIVING A 1% ENVIRONMENTAL CREDIT FOR EACH MATURE ENDEMIC NATIVE AUSTRALIAN TREE ON THEIR PROPERTY

NOTE: This item was withdrawn by Councillor Sprott.

11.4 NOTICE OF MOTION NO 04/2018 - REPORTING OF LEGAL MATTERS

Cr De Luca / Cr Ferguson

That in order to monitor expenditure and ensure transparency and accountability, a report be presented to each Ordinary Council meeting, in Confidential Session, detailing the status of all legal matters in which Council is involved and the costs of the respective matter to date.

VOTING

FOR: Cr De Luca

AGAINST: Crs Amon, Bingham, Daley, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

LOST

11.5 NOTICE OF MOTION NO 05/2018 - END ALZHEIMERS PROJECT

036/18 **RESOLVED**

Cr Bingham / Cr Harrison

That:

- A. Council support proposed awareness seminars by Dr Dave Jenkins and Miki Okuno and other leading professionals in the field, which will provide strategies that may lead to reduction and delay of Alzheimer's.
- B. Council support the awareness program by arranging the promotion of a series of four (4) public seminars, across the peninsula, including the provision of suitable venues and event support.
- C. The series of seminars is run across the peninsula during the month of May 2018.

VOTING

FOR: Unanimous

CARRIED

11.6 NOTICE OF MOTION NO 06/2018 - REVIEW OF ORGANISATIONAL STRUCTURE

037/18 **RESOLVED**

Cr Heins / Cr Amon

That:

- A. Council Resolve to undertake a review of its organisational structure as required by sections 332/ 333 of the Local Government Act 1993 and that the review be chosen by at least one of these three companies mentioned;
- a. Deloitte
 - b. PPB Advisory
 - c. Grant Thornton
- B. A working group be created with five (5) Councillors being:
- Cr Heins
 - Cr Grattan
 - Cr Walton
 - Cr Amon
 - Cr De Luca
- C. In scoping the project, the Office of Local Government could be engaged to assist with the design of the review for Local Government best practice.
- D. The chosen consultants will be procured as per the NSW Performance and Management Services procurement scheme, using panel 1a and partial panel 4b.

VOTING

FOR: Crs Amon, Bingham, Daley, De Luca, Ferguson, Grattan, Harrison, Heins, Philpott, Regan, Sprott, Walton, Warren and White

AGAINST: Cr McTaggart

CARRIED

11.7 NOTICE OF MOTION NO 07/2018 - CURRENT CONDITION OF THE SPIT BRIDGE

038/18 **RESOLVED**

Cr Daley / Cr Amon

That:

- A. Council write to the RMS requesting a full report regarding the current condition of the Spit Bridge and that this report also include appropriate information regarding protocols and procedure which relate to the ongoing maintenance of the bridge.
- B. A further request be made to the RMS asking for a confidential briefing to all Councillors regarding the RMS emergency traffic and transport plan should the Spit Bridge malfunction causing it to become inoperative for a period of time.

VOTING

FOR: Crs Amon, Bingham, Daley, De Luca, Ferguson, Grattan, Regan, Sprott, Walton, Warren and White

AGAINST: Crs Harrison, Heins, McTaggart and Philpott

CARRIED

11.8 NOTICE OF MOTION NO 08/2018 - FRENCHS FOREST REZONING, PLANNING PROPOSALS

NOTE 1: This item corresponds to item 11.8 in the agenda as Notice of Motion No 08/2018 - Frenchs Forest Rezoning, Planning Proposals Impacting Traffic Congestions & Boarding Houses.

NOTE 2: With the agreement of the Mayor and Crs Amon and Sprott, part of the recommendation of this item is combined with Item 6.1 – Mayoral Minute No 01/2018 – Affordable Housing Legislation Proposed Amendments.

039/18 **RESOLVED**

Cr Sprott / Cr Harrison

That Council acknowledges the need for the essential transport infrastructure to be completed prior to further development in the Frenchs Forest ward, this Council write to the NSW State Government expressing its strong desire to have the current Northern Beaches Hospital Road Upgrade Project completed as quickly as possible, noting the significant adverse impacts being presently experienced by local residents and businesses.

VOTING

FOR: Unanimous

CARRIED

11.9 NOTICE OF MOTION NO 09/2018 - PROPOSED CAFE AT HERITAGE LISTED NARRABEEN ROCK POOL

NOTE 1: Councillor Sprott left the chamber at 10:32pm and returned at 10:36pm.

NOTE 2: Councillor Amon left the chamber at 10:35pm and returned at 10:36pm.

Cr De Luca / Cr Daley

That:

A. Council notes with concern:

- a. the elected Councillors were not consulted prior to Council proposing a Cafe in the Narrabeen Amateur Swimming Clubhouse
- b. Narrabeen Rock pool is Heritage listed and the building is in an environmentally sensitive area and adjacent to Narrabeen Lagoon
- c. the overwhelming opposition to a proposed Cafe by the Swimming Clubs, Surf Rider Foundation, Environmental Groups, ratepayers and residents
- d. the significant delay caused by Council, resulting in the possible loss of the Club's State Government Grant and disruption to the next swimming season due to the delayed building works.

B. Council resolves that:

- a. in view of the community's opposition to a Cafe at Narrabeen Rock Pool and the adverse effects the proposal could have on the heritage listed rock pool and sensitive adjoining environment and the delay already experienced in processing the Club's DA occasioning the possible loss of their State Government Grant, the proposed Cafe be immediately abandoned and the CEO be requested to pursue the original proposals by the Clubs to the building to ensure any loss of grants or further delay is prevented
- b. in future, before any commercial venture or lease in Council or Crown facilities (under Council control by delegation of the Crown) is proposed by Council to the public, such proposal is referred to the Elected Council at a properly constituted Council meeting for consideration and determination.

VOTING

FOR: Crs Daley, De Luca, Ferguson and McTaggart

AGAINST: Crs Amon, Bingham, Grattan, Harrison, Heins, Philpott, Regan, Sprott, Walton, Warren and White

LOST

PROCEDURAL MOTION - MOTION BE PUT

040/18 **RESOLVED**

Cr Bingham

That the motion be now put.

VOTING

FOR: Unanimous

CARRIED

11.10 NOTICE OF MOTION NO 10/2018 - STREAMLINING COUNCILLOR REQUESTS FOR ANSWERS TO QUESTIONS AND IMPROVE RATEPAYER SERVICE

041/18 **RESOLVED**

Cr Harrison / Cr Walton

That, in an effort to streamline Councillor requests for answers to questions and to improve rate payer service delivery, the Chief Executive Officer:

- A. Immediately give authority to Councillors to communicate directly with Level 3 Executive Managers, and
- B. Provide Councillors with a complete reporting structure, highlighting the name, position, phone number and email of all Level 3 Executive Managers.

VOTING

FOR: Crs Amon, Bingham, De Luca, Ferguson, Grattan, Harrison, Heins, Philpott, Regan, Sprott, Walton, Warren and White

AGAINST: Crs Daley and McTaggart

CARRIED

11.11 NOTICE OF MOTION NO 11/2018 - PALM BEACH MOVIE

042/18 **RESOLVED**

Cr Amon / Cr De Luca

That the confidential report and confidential minutes in respect of item 8.5 of the 19 December 2017 Council be made publicly available as an attachment to the minutes of the 27 February 2018 minutes.

VOTING

FOR: Unanimous

CARRIED

11.12 NOTICE OF MOTION NO 12/2018 – CALENDAR EVENTS

NOTE: This item corresponds to item 11.12 in the agenda as Transparent Governance Post Amalgamation.

043/18 **RESOLVED**

Cr Ferguson / Cr De Luca

That:

A Council acknowledges:

- a. with the Amalgamation of the former Pittwater, Warringah and Manly Councils it is important to ensure transparency and good governance in all areas of administration
- b. as part of good governance and transparency, it is important that Councillors are kept up to date with council events, meetings, briefings and community based events on a regular basis.

B. Council requests that the Office of the Mayor and Councillors:

- a. provides a schedule that includes all council events, Council meetings, briefings, Strategic Reference Group and committee meetings and community based events. The schedule is to be provided to all Councillors on a weekly basis. The schedule should highlight invitations from community groups that are extended to all Councillors
- b. where the Mayor only is invited to an event and is unable to attend, a representative will continue to be delegated to represent the Mayor and Council and these details are to be listed on the schedule
- c. where representation on behalf of the Mayor and/or Council is required at council or community events, that transparency, equity and balanced representation of the five wards and political parties is taken into consideration
- d. provide guidance and assistance to community groups to ensure invitations are extended to all Councillors where appropriate as intended by our community groups.

VOTING

FOR: Crs Amon, Daley, De Luca, Ferguson, Grattan, McTaggart, Sprott, Walton, Warren and White

AGAINST: Crs Bingham, Harrison, Heins, Philpott and Regan

CARRIED

11.13 NOTICE OF MOTION NO 13/2018 - REVIEW OF THE STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009, DIVISION 3 BOARDING HOUSES

NOTE: With the agreement of the Mayor and Cr Walton, the recommendation of this item is combined with Item 6.1 – Mayoral Minute No 01/2018 – Affordable Housing Legislation Proposed Amendments.

11.14 NOTICE OF MOTION NO 14/2018 - EAST ESPLANADE

NOTE 1: Councillor McTaggart left the chamber at 11:01pm and returned at 11:03pm.

NOTE 2: Councillor Heins left the chamber at 11:01pm and returned at 11:02pm.

NOTE 3: Councillor Harrison left the chamber at 11:08pm and returned at 11:12pm.

NOTE 4: In accordance with clause 2.15(1) of Council's Code of Meeting Practice, the meeting was closed at 11.13pm prior to Council resolving this item. This item is to be deferred and will be dealt with at the Extraordinary Council Meeting on 6 March 2018.

PROCEDURAL MOTION – CLOSE THE MEETING

044/18 **RESOLVED**

Cr Regan / Cr Bingham

That:

- A. Council in accordance with clause 2.15(1) of Council's Code of Meeting Practice, the meeting be closed.
- B. Items 11.14 and 14.1 be dealt with at a reconvened Ordinary Council Meeting on Tuesday, 6 March 2018.

VOTING

FOR: Unanimous

CARRIED

12.0 QUESTIONS ON NOTICE

NOTE: In accordance with Council's Code of Meeting Practice clause 1.7(2)(e) responses to Questions on Notice will be included, as soon as practicable in a subsequent business paper for an Ordinary Meeting of Council and included in the minutes.

12.1 QUESTION ON NOTICE NO 01/2018 - OUTSTANDING RESOLUTIONS OF COUNCIL

13.0 RESPONSES TO QUESTIONS ON NOTICE

13.1 RESPONSE TO QUESTION ON NOTICE NO 09/2017 - COUNCIL RANGERS' UNIFORMS

This is an operational matter. A single Northern Beaches Rangers uniform will need to comply with Work Health & Safety legislation. The matter is being consulted with unions and staff.

13.2 RESPONSE TO QUESTION ON NOTICE NO 10/2017 - ALLEGED POLLUTION FROM KIMBRIKI RESOURCE RECOVERY CENTRE INTO THE CATCHMENT WATERS

A review of Council's document management system has not located any such notification or correspondence.

The meeting concluded at 11.13pm

This is the final page of the minutes comprising 28 pages
numbered 1 to 28 of the Ordinary Council Meeting
held on Tuesday 27 February 2018 and confirmed on Tuesday 27 March 2018

Mayor

Chief Executive Officer