



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 28 MAY 2019

Minutes of an Ordinary Meeting of Council
held on Tuesday 28 May 2019
at the Civic Centre, Dee Why
Commencing at 6:00pm

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Sue Heins (Deputy Mayor)
Rory Amon
Candy Bingham
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Roslyn Harrison
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren (*arrived at 6:22pm*)
Ian White

Officers

Ray Brownlee PSM	Chief Executive Officer
Jeff Smith	Director Corporate and Legal
David Kerr	Director Community and Belonging
Todd Dickinson	Director Environment and Sustainability
Louise Kerr	Director Planning and Place
Jorde Frangoples	Director Transport and Assets
Caroline Foley	Executive Manager Financial Planning and Systems
Sonya Gallery	Executive Manager Governance and Risk
Eva Havenstein	Executive Manager Capital Projects
Steven Lawler	Executive Manager Parks and Recreation
Andrew Pigott	Executive Manager Strategic and Place Planning
Kylie Walshe	Executive Manager Community, Arts and Culture
Sarah Dunstan	Manager Governance
Sherryn McPherson	Coordinator Governance
Annie Lang	Governance Officer
Don Morales	Information Management Technology Officer
Brendan Shaw	Service Delivery Associate

Notes

The meeting commenced at 6:00pm and concluded at 7:59pm.

1.0 ACKNOWLEDGEMENT OF COUNTRY

NOTE: The Mayor acknowledged the traditional custodians of the land on which the meeting gathered, and paid respect to Elders past and present.

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

2.1 APOLOGIES AND LEAVE OF ABSENCE

NOTE: Councillor Daley OAM requested a leave of absence for the Council meetings of 28 May 2019, 25 June 2019 and 23 July 2019 to attend to personal matters.

135/19 **RESOLVED**

Cr Harrison / Cr Ferguson

That the application for a leave of absence from Councillor Daley OAM for the 28 May 2019, 25 June 2019 and 23 July 2019 Council meetings be granted.

VOTING

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

ABSENT: Cr Warren

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 16 APRIL 2019

136/19 **RESOLVED**

Cr Bingham / Cr Philpott

That the Minutes of the Ordinary Council meeting held 16 April 2019, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

ABSENT: Cr Warren

CARRIED

4.0 DISCLOSURES OF INTEREST

- 4.1 Councillor Amon declared a pecuniary interest in relation to Item 12.3 - Planning Proposal - 1294 - 1300 Pittwater Road and 2 - 4 Albert Street, Narrabeen. Councillor Amon chose to take no part in the discussion, voting and the related public address on this item. The reason provided by Councillor Amon was:

"Interest in nearby land."

- 4.2 Councillor White declared a less than significant non-pecuniary interest in relation to Item 12.8 - Pittwater Waterway Strategy (2038). Councillor White chose to take part in the discussion and voting on this item. The reason provided by Councillor White was:

"I put in a submission to Pittwater Waterways Strategy. Not commercial in any way."

- 4.3 Councillor De Luca declared a less than significant non-pecuniary interest in relation to Item 13.3 – Public Exhibition of Amendments – Ocean Beaches Plan of Management to Facilitate Netball Courts at Avalon Beach. Councillor De Luca chose to take part in the discussion and voting on this item. The reason provided by Councillor De Luca was:

"While I am a voluntary Director of NSW Netball Association Ltd. It has no interest in this matter and I am not a member of Peninsula Pittwater Netball Club that will be the users of these courts."

- 4.4 Councillor Sprott declared a significant non-pecuniary interest in relation to Item 13.5 - Outcome of Public Exhibition - Northern Beaches Council Outdoor Dining and Footpath Merchandise Policy. Councillor Sprott chose to take part no in the discussion and voting on this item. The reason provided by Councillor Sprott was:

"My partner owns a café at Narrabeen which has outdoor dining."

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE 1: The Mayor requested that each speaker acknowledge that they had been informed that the meeting was to be webcast live and that Council accepts no responsibility for any defamatory comments made.

NOTE 2: Councillor Amon left the chamber at 6:07pm and returned at 6:12pm having declared a pecuniary interest in Item 12.3.

PUBLIC FORUM SPEAKERS:

- 5.1 Margaret Hogge addressed Council in regard to National Indigenous Rights Week.

PUBLIC ADDRESS SPEAKERS:

- 5.2 **Item 12.3 – Planning Proposal – 1294 - 1300 Pittwater Road and 2 - 4 Albert Street Narrabeen**

Bob Chambers addressed Council speaking in support of this item.

- 5.3 **Item 12.6 – Adoption of the Moveable Heritage Management Policy**

Richard Michell addressed Council speaking in support of this item.

5.4 Item 12.8 – Pittwater Waterway Strategy (2038)

Lindsay Dyce addressed Council speaking against this item and Ros Read addressed Council speaking in support of this item.

5.5 Item 13.2 – Public Exhibition of Draft Clontarf Beach Masterplan

David Hudson addressed Council speaking in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE 1: Councillor Warren joined the meeting at 6:21pm.

NOTE 2: Councillor Sprott left the chamber at 6:22pm having declared a significant non-pecuniary interest in Item 13.5.

137/19 RESOLVED

Cr Heins / Cr Harrison

That items 8.1, 8.2, 9.2, 9.3, 9.5, 9.6, 9.7, 10.3, 10.4, 12.2, 12.4, 12.5, 12.6, 12.7, 12.9, 13.3, 13.4, 13.5, 17.1, 17.2, 17.3, 17.4, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 17.11 and 17.12 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

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

ABSENT: Cr Sprott

CARRIED

8.1 COUNCILLORS EXPENSES REPORT - JULY 2018 TO DECEMBER 2018

138/19 RESOLVED

Cr Heins / Cr Harrison

That Council:

- A. Note the expenditure by councillor and as a total for all councillors for the period 1 July 2018 to 31 December 2018, in accordance with section 17.2 of the Councillor Expenses and Facilities Policy.
- B. Publish the details of the report on the Council's website as required under the Councillor Expenses and Facilities Policy.

RESOLVED BY EXCEPTION

8.2 QUARTERLY REPORT - STRONGER COMMUNITIES FUND AND NEW COUNCIL IMPLEMENTATION FUND

139/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council note the Stronger Communities Fund and New Council Implementation Fund March 2019 Quarterly Update.

RESOLVED BY EXCEPTION

9.2 MONTHLY INVESTMENT REPORT - MARCH 2019

140/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council receives and notes the Investment Report as at 31 March 2019, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.3 MONTHLY INVESTMENT REPORT - APRIL 2019

141/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council receives and notes the Investment Report as at 30 April 2019, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.5 OUTCOME OF PUBLIC EXHIBITION - LEGISLATIVE COMPLIANCE POLICY

142/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council:

- A. Notes the outcome of the public exhibition of the draft Legislative Compliance Policy.
- B. Adopts the Legislative Compliance Policy.

RESOLVED BY EXCEPTION

9.6 CONFIRMED MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 19 FEBRUARY 2019

143/19 RESOLVED

Cr Heins / Cr Harrison

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee Meeting held on 19 February 2019.

RESOLVED BY EXCEPTION**9.7 OUTCOME OF PUBLIC EXHIBITION - CODE OF CONDUCT**

144/19 RESOLVED

Cr Heins / Cr Harrison

That Council:

- A. Notes the outcome of the public exhibition of the draft Northern Beaches Council Code of Conduct 2019 and draft Procedures for the Administration of the Northern Beaches Council Code of Conduct 2019.
- B. Adopt the Northern Beaches Council Code of Conduct 2019 and the Procedures for the Administration of the Northern Beaches Council Code of Conduct 2019.

RESOLVED BY EXCEPTION**10.3 DRAFT MINUTES FOR THE COMMUNITY SAFETY COMMITTEE MEETING ON 11 APRIL 2019**

NOTE: Councillor Ferguson expressed her thanks to Superintendent Dave Darcy for his work with community safety.

145/19 RESOLVED

Cr Heins / Cr Harrison

That Council note the Minutes of the Community Safety Committee meeting held on 11 April 2019.

RESOLVED BY EXCEPTION**10.4 COMMUNITY LIBRARY FUNDING FOR THE BOOKLOVERS' CLUB NORTHERN BEACHES INC.**

146/19 RESOLVED

Cr Heins / Cr Harrison

That, in accordance with section 356 (1) of the *Local Government Act 1993*, Council approve the 2018/19 funding allocation of \$1,300 for The Booklovers' Club Northern Beaches Inc.

RESOLVED BY EXCEPTION

12.2 PLANNING PROPOSAL TO REZONE LAND WITHIN AND ADJOINING THE MANLY WARRINGAH WAR MEMORIAL STATE PARK

NOTE: Councillor Bingham expressed her thanks to the Save Manly Dam Committee, the Trustees of the War Memorial State Park and staff for their work on this proposal.

147/19 RESOLVED

Cr Heins / Cr Harrison

That Council:

- A. Submit the attached Manly Warringah War Memorial State Park Planning Proposal to the Department of Planning and Industry for a Gateway Determination to amend Warringah Local Environmental Plan 2011 to:
- a. Rezone the following lots from R2 (Low Density Residential) to RE1 (Public Recreation):
 - Lot 76 DP 504237 (Crown Land)
 - Lot 77 DP 504237 (Crown Land)
 - Lot 2 DP 710023 (Crown Land)
 - Lot 1 DP 1200869 (Crown Land)
 - Lot 1 DP 710023 (Sydney Water - Surplus Bushland Site)
 - b. Rezone Sydney Water Lot 1 DP 835123 (Water Tower - Reservoir) from R2 (Low Density Residential) to SP2 (Infrastructure) - 'Water Supply System'
 - c. Amend the Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.
- B. Request approval to exercise the function of 'Local Plan Making Authority' from the Department of Planning and Industry via the Gateway Determination for the Manly Warringah War Memorial State Park Planning Proposal.
- C. Prepare and exhibit consequential amendments to Warringah Development Control Plan 2011 to remove residential development controls, including setback and minimum landscaped area controls, from land covered by the Manly Warringah War Memorial State Park Planning Proposal.
- D. Seeks approval from Sydney Water and the Department of Planning and Industry (Water, Property and Housing) to rezone land for a public purpose (RE1 (Public Recreation)) following a Gateway Determination being issued by the Department of Planning and Industry (Planning and Places).
- E. Writes to the relevant Minister to advocate for the inclusion of Sydney Water Lot 1 DP 710023 (Surplus Bushland Site) and Crown Land (Lot 1 DP 1200869) into the Manly Warringah War Memorial State Park.

RESOLVED BY EXCEPTION

12.4 SUBMISSION TO THE DEPARTMENT OF PLANNING AND INDUSTRY ON LOCAL CHARACTER AND PLACE GUIDELINES

148/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council:

- A. Notes the release of Local Character and Place Guidelines by the Department of Planning and Industry.
- B. Approve the Northern Beaches Council submission to the Department of Planning and Industry Discussion Paper – Local Character Overlays contained in Council’s Submission attached to this report.

RESOLVED BY EXCEPTION

12.5 AMENDMENT TO WARRINGAH DEVELOPMENT CONTROL PLAN 2011 FOR ADAPTABLE HOUSING REQUIREMENTS

149/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council:

- A. Approve draft amendments to Warringah Development Control Plan 2011 to make provision for 10% adaptable housing for medium and high-density residential development as shown in Attachment 1 for public exhibition for at least 28 days.
- B. Note that the draft amendments to Warringah Development Control Plan 2011 will be reported to Council following the public exhibition.
- C. Delegate authority to the Chief Executive Officer to make any changes to the public exhibition of the draft amendments to Warringah Development Control Plan 2011 as a result of consideration of this report.

RESOLVED BY EXCEPTION

12.6 ADOPTION OF THE MOVEABLE HERITAGE MANAGEMENT POLICY

NOTE: Councillor Bingham expressed her thanks to the Manly, Warringah and Pittwater Historical Society and staff for their work on this policy.

150/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council adopt the Moveable Heritage Management Policy as shown in the attached Moveable Heritage Management Policy.

RESOLVED BY EXCEPTION

12.7 OUTCOME OF PUBLIC EXHIBITION - DRAFT VOLUNTARY PLANNING AGREEMENT FOR 9, 11, 12 & 13 FERN CREEK ROAD, WARRIEWOOD

151/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council:

- A. Note the outcomes of the public exhibition of the draft Voluntary Planning Agreement.
- B. Agree to enter into the Voluntary Planning Agreement to facilitate the land swap to deliver the southern half of the Central Local Park.
- C. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

12.9 REPORTING VARIATION TO DEVELOPMENT STANDARDS - SEPP1 - DEVELOPMENT STANDARD AND CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS

152/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council notes the development applications granted for approval with variations to development standards during the period of 1 January 2019 to 31 March 2019.

RESOLVED BY EXCEPTION

13.3 PUBLIC EXHIBITION OF AMENDMENTS - OCEAN BEACHES PLAN OF MANAGEMENT TO FACILITATE NETBALL COURTS AT AVALON BEACH

NOTE: Councillor De Luca declared a less than significant non-pecuniary interest in this item.

153/19 **RESOLVED**

Cr Heins / Cr Harrison

That:

- A. Council publicly exhibit the draft Plan of Management amendments and concept plan for the proposed netball courts at Avalon Beach Reserve, Avalon Beach for a period of 42 days which is to include a mandatory public hearing chaired by an independent facilitator.
- B. The outcomes of the public exhibition and public hearing be reported back to Council at the Ordinary Council meeting in August 2019.

RESOLVED BY EXCEPTION

13.4 PROPOSED SALE OF COUNCIL OPERATIONAL LAND ADJACENT TO OXFORD FALLS GRAMMAR SCHOOL - LOT 2 DP 1229082 WAKEHURST PARKWAY OXFORD FALLS

154/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council authorises:

- A. The sale of Lot 2 DP 1229082 Wakehurst Parkway Oxford Falls to the adjoining land owner Oxford Falls Grammar School at 1078 Oxford Falls Road Oxford Falls (Lot 1 DP 1046451) in accordance with independent valuation advice received by Council, conditional upon the land to be sold being consolidated with the adjoining land parcel.
- B. The Chief Executive Officer to negotiate and execute all documentation necessary in order to give effect to this resolution.
- C. All costs associated with the items in the resolution, including but not limited to, Council's legal costs, GST if applicable, document registration etc., to be funded by the applicant.

RESOLVED BY EXCEPTION

13.5 OUTCOME OF PUBLIC EXHIBITION - NORTHERN BEACHES COUNCIL OUTDOOR DINING AND FOOTPATH MERCHANDISE POLICY

NOTE: Councillor Spratt declared a significant non-pecuniary interest in this item.

155/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council:

- A. Note the submissions received from the exhibition period.
- B. Adopt the draft Northern Beaches Council Outdoor Dining and Footpath Merchandise Policy.
- C. Revoke the following policies:
 - a. The former Manly Council Policy O6 Outdoor Dining Areas adopted 19 March 2007.
 - b. The former Warringah Council Policy STR-PL 340 Outdoor Eating Area adopted 25 August 1998.
 - c. The former Manly Council Policy F30 Footpath Trading – Approval to Display Articles on Footpath adopted 4 May 1998.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 09/2019 - COUNCIL RECOGNISED AS A SUSTAINABILITY LEADER

NOTE: Councillor Sprott returned to the chamber at 6:26pm.

168/19 **RESOLVED**

Cr Regan

That Council:

- A. Formally acknowledge the outstanding achievement of Northern Beaches Council in attaining Bronze Partner status in the NSW Government Sustainability Advantage Program.
- B. Congratulate Council staff from the Environment and Climate Group involved in this project.
- C. Publicise this and Council's other sustainability achievements on Council's website and social media.
- D. Brief councillors within the next six months with options to progress towards silver and gold status within the next ten years.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.1 QUARTERLY BUDGET REVIEW STATEMENT AND QUARTERLY REPORT ON SERVICE PERFORMANCE - MARCH 2019

169/19 **RESOLVED**

Cr Grattan / Cr Amon

That Council:

- A. Note the Budget Review Statement for the nine months ended 31 March 2019.
- B. Approve the following changes to the Current Forecast in the March 2019 Budget Review Statement:
 - a. An increase in the forecast Surplus from Continuing Operations which includes Capital Grants and Contributions of \$7,086,486 to \$34,723,257.
 - b. A decrease in capital expenditure by \$13,469,721 to \$105,266,522.
- C. Note the Quarterly Report on Service Performance for the period ending 31 March 2019.

VOTING

FOR: Unanimous

CARRIED

9.4 OUTCOME OF PUBLIC EXHIBITION - CODE OF MEETING PRACTICE

NOTE: Councillor Harrison expressed her thanks to staff for their work on the Code of Meeting Practice.

Cr De Luca / Cr Ferguson

That:

- A. Council note the outcome of the public exhibition of the draft Northern Beaches Council Code of Meeting Practice.
- B. Council adopt the Northern Beaches Council Code of Meeting Practice to be put into effect and replace the current Northern Beaches Council Code of Meeting Practice (May 2017) for all Council meetings following the 28 May 2019 Council meeting.
- C. As a matter of efficiency in Council meetings, there be a standing reduction applied to all councillor speeches from five minutes to three minutes with the option of an additional two minutes to conclude a speech where resolved by Council and that this be noted as a standing practice within the Code of Meeting Practice.
- D. Council staff be requested to investigate a calling system of items at council meetings to make the process fairer and more efficient and report back to the next meeting of Council.

AMENDMENT

Cr Regan / Cr White

That:

- A. Council note the outcome of the public exhibition of the draft Northern Beaches Council Code of Meeting Practice.
- B. Council adopt the Northern Beaches Council Code of Meeting Practice to be put into effect and replace the current Northern Beaches Council Code of Meeting Practice (May 2017) for all Council meetings following the 28 May 2019 Council meeting.
- C. As a matter of efficiency in Council meetings, there be a standing reduction applied to all councillor speeches from five minutes to three minutes with the option of an additional two minutes to conclude a speech where resolved by Council and that this be noted as a standing practice within the Code of Meeting Practice.

VOTING

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

AGAINST: Crs Amon, De Luca, Ferguson, Walton and Sprott

The amendment was CARRIED and became the motion.

170/19 RESOLVED

Cr Regan / Cr White

That:

- A. Council note the outcome of the public exhibition of the draft Northern Beaches Council Code of Meeting Practice.

- B. Council adopt the Northern Beaches Council Code of Meeting Practice to be put into effect and replace the current Northern Beaches Council Code of Meeting Practice (May 2017) for all Council meetings following the 28 May 2019 Council meeting.
- C. As a matter of efficiency in Council meetings, there be a standing reduction applied to all councilor speeches from five minutes to three minutes with the option of an additional two minutes to conclude a speech where resolved by Council and that this be noted as a standing practice within the Code of Meeting Practice.

VOTING

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

AGAINST: Crs Amon, De Luca, Ferguson and Sprott

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 ADOPTION OF THE NORTHERN BEACHES CULTURAL COLLECTION MANAGEMENT AND GIFTS POLICY AND THE PUBLIC ART POLICY

NOTE 1: Councillor Philpott expressed her thanks to staff for their work on these policies.

NOTE 2: Councillor De Luca left the chamber at 6:46pm.

PROCEDURAL MOTION - EXTENSION OF TIME

171/19 **RESOLVED**

Cr Regan / Cr Heins

That Councillor Philpott be granted an extension of one minute to address the meeting.

VOTING

FOR: Crs Philpott, Grattan, Bingham, McTaggart, Regan, Heins, and Walton

AGAINST: Crs White, Amon, Ferguson, Sprott, Harrison and Warren

ABSENT: Cr De Luca

CARRIED

172/19 **RESOLVED**

Cr Philpott / Cr Regan

That Council:

- A. Adopt the amended Northern Beaches Cultural Collection Management and Gifts Policy and the amended Public Art Policy.
- B. Adopt the Terms of Reference and Charters for the Public Art Working Group and the Public Art Selection Panel.
- C. Nominate Councillors Ferguson, Heins and Philpott as members of the Public Art Working Group.

VOTING

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

ABSENT: Cr De Luca

CARRIED

10.2 NORTHERN BEACHES COAST WALK PUBLIC ART STRATEGY

NOTE: Councillor De Luca returned to the chamber at 6:53pm.

173/19 **RESOLVED**

Cr Philpott / Cr Ferguson

That Council adopt the amended Northern Beaches Coast Walk Public Art Strategic Plan and supporting documents for implementation.

VOTING

FOR: Unanimous

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS**12.1 NORTHERN BEACHES COUNCIL AFFORDABLE HOUSING CONTRIBUTIONS SCHEME**

174/19 **RESOLVED**

Cr Regan / Cr Heins

That Council:

- A. Note the draft Northern Beaches Affordable Housing Contributions Scheme will apply to the Northern Beaches Local Government Area.
- B. Submit the draft Northern Beaches Council Affordable Housing Contributions Scheme to the NSW Department of Planning and Industry for public exhibition with the amendments to Warringah Local Environmental Plan 2011 required to implement the Frenchs Forest Planned Precinct.
- C. Exhibit the Northern Beaches Council Affordable Housing Tenancy Guidelines, subject to the following addition being made to the eligibility criteria:
 - a. must not already be living in secure subsidised housing (Housing NSW or Community Housing managed accommodation), *however persons living in short-term emergency accommodation are eligible to participate.*

VOTING

FOR: Unanimous

CARRIED

12.3 PLANNING PROPOSAL - 1294-1300 PITTWATER ROAD AND 2-4 ALBERT STREET NARRABEEN

NOTE: Councillor Amon left the chamber at 6:57pm having declared a pecuniary interest in this item.

175/19 RESOLVED**Cr Regan / Cr Grattan**

That:

- A. Council submits an amended Planning Proposal to the NSW Department of Planning and Industry for gateway determination to amend Warringah Local Environment Plan 2011 to:
- a. Increase the maximum building height standard on the site to 11 metres with the exception of 2 Albert Street, Narrabeen being lot 1, DP613544 (containing heritage listed dwelling house) and the front part of 4 Albert Street, Narrabeen being part lot 8C, DP200030 which will retain an 8.5 metre height limit.
 - b. Permit the additional uses of commercial premises, medical centre and shop-top housing on the area of the site adjoining the intersection of Pittwater Road and Albert Street.
 - c. Permit a maximum of 1,150 square metres of medical centre, commercial premises, and the retail/ business premises component of any shop-top housing to the area referred to b. above.
 - d. Require a minimum 10% of the additional dwellings on the site resulting from the Planning Proposal, to be dedicated to Council as affordable rental housing.
- B. The applicant is requested to submit draft site-specific planning controls to be incorporated in Council's Development Control Plan to further guide the redevelopment of the site having regard to the Urban Design Guidelines accompanying the Planning Proposal and addressing the matters outlined in this report.
- C. The applicant be requested to provide an amended Traffic Impact Assessment Report addressing the issues outlined in this report for exhibition with any Gateway determination issued by the NSW Department of Planning and Industry.

VOTING

FOR: Crs White, Philpott, Grattan, Bingham, McTaggart, Regan, Heins, Ferguson, Walton, Sprott and Warren

AGAINST: Crs De Luca and Harrison

ABSENT: Cr Amon

CARRIED

12.8 PITTWATER WATERWAY STRATEGY (2038)

NOTE 1: Councillor White declared a less than significant non-pecuniary interest in this item.

NOTE 2: Councillor Amon returned to the chamber at 7:05pm.

176/19 RESOLVED

Cr McTaggart / Cr Ferguson

That Council:

- A. Adopt the Pittwater Waterway Strategy 2038 and endorse its implementation to sustainably manage the Pittwater Waterway over the next 20 years.
- B. Amend pages 35, 36 and 44 to state '*marina expansion would only be considered subject to appropriate regard being given to all impacts including, but not limited to, environmental, social, economic, transport, traffic, visual and waterway navigation*'.

VOTING

FOR: Unanimous

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 ACCESS TO QUEENSCLIFF HEADLAND

177/19 RESOLVED

Cr Bingham / Cr Walton

That:

- A. Council note the condition assessment undertaken by staff of the stairs at the northern end of Queenscliff (Stuart Sommerville) Bridge.
- B. The minor renewal of the stairs at the Northern end of Queenscliff (Stuart Sommerville) Bridge, including the installation of a new handrail and repair of damaged treads, be prioritised and added to the Footpath Renewal program.
- C. Council defer the decision until new alternative solutions can be sourced and the outcome of possible grant applications is known.

VOTING

FOR: Unanimous

CARRIED

13.2 PUBLIC EXHIBITION OF DRAFT CLONTARF BEACH MASTERPLAN

NOTE 1: Councillor Regan left the chamber at 7:28pm and Councillor Heins assumed the Chair.

NOTE 2: Councillor Harrison left the chamber at 7:29pm.

NOTE 3: Councillor Regan returned to the chamber at 7:30pm and resumed the Chair.

178/19 RESOLVED

Cr Grattan / Cr Bingham

That Council endorse the draft Clontarf Beach Masterplan for public exhibition for at least 28 days.

VOTING

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

ABSENT: Cr Harrison

CARRIED

14.0 NOTICES OF MOTION

14.1 NOTICE OF MOTION NO 16/2019 - FUTURE USE OF COUNCIL CHAMBERS IN MANLY TOWN HALL

NOTE 1: Councillor Harrison returned to the chamber at 7:31pm.

NOTE 2: Councillor Grattan left the chamber at 7:31pm and returned at 7:33pm.

179/19 RESOLVED

Cr Bingham / Cr Ferguson

That:

- A. Council investigate providing the former meeting rooms of Manly Council, upstairs in the Manly Council Chambers, as short-term halls for hire for events, meetings, performances and other suitable uses pending a final determination of the permanent use of the building.
- B. A report is brought back to councillors within three months.

VOTING

FOR: Unanimous

CARRIED

14.2 NOTICE OF MOTION NO 17/2019 - FREEZE TO COUNCILLOR AND MAYORAL FEES

NOTE: In accordance with clause 12.4 of the Code of Meeting Practice abstaining from a vote is to be counted as a vote against the motion.

Cr Amon / Cr Walton

That, pursuant to section 248 of the *Local Government Act 1993*, the Council fixes the annual fee for:

- A. Councillors for the period 1 July 2019 to 30 June 2020 at \$29,670 payable monthly in arrears, being a freeze on the amount paid to councillors for the period 1 July 2018 to 30 June 2019.
- B. The Mayor for the period 1 July 2019 to 30 June 2020 at \$86,440 payable monthly in arrears, being a freeze on the amount paid to the Mayor for the period 1 July 2018 to 30 June 2019.

VOTING

FOR: Crs Amon, De Luca, Ferguson and Walton

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

ABSTAIN: Crs McTaggart and Sprott

LOST

14.3 NOTICE OF MOTION NO 18/2019 - LEASES AND LICENCES REGISTER

180/19 RESOLVED

Cr McTaggart / Cr Grattan

That:

- A. Council prepare a register of all leases and licences issued and maintain the register annually.
- B. The register be linked to the asset management register currently being prepared.
- C. The register contain the relevant information, location of lease, term, lessee and lease fee and if the fee is covered by councils Fees and Charges schedule.
- D. The register be in a format that allows for both councillor and public access while protecting confidentiality particularly for the tender or expression of interest process.
- E. The total lease and licence income be presented in either the budget or annual return to demonstrate transparency.
- F. The Economic and Smart Communities Strategic Reference Group and the Audit, Risk and Improvement Committee have input into the design of the Lease and Licence register.

VOTING

FOR: Unanimous

CARRIED

14.4 NOTICE OF MOTION NO 19/2019 - NIGHT-TIME/TWILIGHT & CULTURE MANAGEMENT POLICY

NOTE: Councillor Amon left the chamber at 7:43pm and returned at 7:46pm.

PROCEDURAL MOTION - EXTENSION OF TIME

181/19 RESOLVED

Cr Ferguson / Cr De Luca

That Councillor Heins be granted an extension of one minute to address the meeting.

VOTING

FOR: Crs Philpott, Grattan, Bingham, McTaggart, Heins, De Luca, Ferguson, Walton, and Sprott

AGAINST: Crs White, Harrison Regan and Warren

ABSENT: Cr Amon

CARRIED

182/19 RESOLVED

Cr Heins / Cr Regan

That:

- A. Council prepare a policy on Night Time/Twilight & Culture Management Policy.
- B. The strategy underpinning the policy take into consideration two evening economies, Twilight and Night time and a range of possible activities and cultural activities used to activate an area.
- C. The policy identify areas in the local government area that are suitable for Twilight/Night time activities.
- D. Council investigate amending planning laws to ensure that new developments are adequately soundproofed for future night time activities and report back to councillors.
- E. The strategy is done in consultation with residents, Chambers of Commerce, hospitality businesses, creatives, music industry, lighting technicians, security industry, environmental health professionals and any other related industries.
- F. A report be brought back to Council identifying timeframes, costing, impacts, benefits etc. and include a councillor briefing updating councillors on where Council is up to with current Night-Time Economy strategies and committee input within four months.

VOTING

FOR: Unanimous

CARRIED

14.5 NOTICE OF MOTION NO 20/2019 - NATIONAL TREE DAY

NOTE: Councillor Heins left the chamber at 7:51pm and returned at 7:54pm.

183/19 RESOLVED

Cr Sprott / Cr Philpott

That Council:

- A. Identify potential sites for tree planting across the Northern Beaches.
- B. Write to all Northern Beaches schools with an offer from Council staff and councillors to support, both physically and/or with tuber stock (or similar, if available), and to assist with planting and/or advice for National Tree Day on 26th July this year. At the same time request a response from each school to gauge their interest in undertaking further tree planting within their school grounds or at sites near their school.
- C. Brief councillors as soon as practicable on the cost of supplying tuber stock for planting at schools.

VOTING

FOR: Unanimous

CARRIED

15.0 QUESTIONS ON NOTICE

NOTE: In accordance with Council's Code of Meeting Practice responses will be included as soon as practicable in the business papers at the relevant Ordinary Meeting of Council.

15.1 QUESTION ON NOTICE NO 04/2019 - PORTRAITS OF MAYORS FROM FORMER COUNCILS

Submitted by: Councillor Ian White

Could the pictures of the former Mayors of Pittwater Council be moved to the wall next to the former mayors of Warringah?

15.2 QUESTION ON NOTICE NO 05/2019 - CUSTOMER SERVICE MOBILE APP

Submitted by: Councillor Candy Bingham

To complement the excellent customer service call centre now operating, when is Council planning to release a Customer Service Mobile Phone App such as Snap, Send, Solve, so that maintenance issues can be reported directly to Council from mobile phones?

18.0 REPORT OF CONFIDENTIAL RESOLUTIONS

NOTE 1: The Chair reported the following confidential resolutions resolved by exception at Item 6 of the meeting.

NOTE 2: Councillor Ferguson left the chamber at 7:57pm and returned at 7:59pm.

17.1 NORTHERN BEACHES ENVIRONMENT CENTRES UPDATE

156/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council:

- A. Conduct a review of the Manly and Coastal Environment Centres including:
 - a. current use, levels of access, environmental benefits/outcomes and costs
 - b. current configurations and building/fit-out standards
 - c. desired future use/benefits including suggestions for new sustainability initiatives/services
 - d. engagement with relevant stakeholders, Environment Strategic Reference Group and the community.
- B. Brief councillors on the review within three months.
- C. Consolidate and relocate the Manly Environment Centre environmental library into a Council Library and incorporate it into Council's library systems.
- D. Rescind the Statement of Intent for the Manly Environment Centre as endorsed by Manly Council on 10 October 2005.

RESOLVED BY EXCEPTION

17.2 RFT 2019/094 - DESIGN AND CONSTRUCTION OF LOCAL GOVERNMENT AREA ENTRY MARKERS

157/19 **RESOLVED**

Cr Heins / Cr Harrison

That:

- A. In accordance with clause 178 (1)(a) of the *Local Government (General) Regulation 2005* Council accepts the tender of Singleton Moore Sign Co Ltd Pty for RFT 2019/094 – Design and Construct Local Government Area Entry Markers for the sum of \$182,450 excluding GST.
- B. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

17.3 RFT 2018/320 - PURCHASING OF CHILDREN'S SERVICES PRODUCTS

158/19 RESOLVED

Cr Heins / Cr Harrison

That:

- A. In accordance with clause 178 (3)(e) of the *Local Government (General) Regulation 2005* Council accepts the tender of Modern Teaching Aids for RFT 2018/320 – Purchasing of Children's Services Products as per the tendered schedule of rates.
- B. Council delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

17.4 PROVISION OF EBOOKS AND EAUDIO FOR THE LIBRARY SERVICE

159/19 RESOLVED

Cr Heins / Cr Harrison

That in accordance with section 55 (3)(i) of the *Local Government Act 1993*, Council approve an exemption from tendering for the provision of eBook and eAudio as it believes a satisfactory result would not be achieved by inviting tenders.

RESOLVED BY EXCEPTION

17.5 COMPLETION OF WORKS TO BEACON HILL COMMUNITY CENTRE AND NOLAN RESERVE AMENITIES

160/19 RESOLVED

Cr Heins / Cr Harrison

That:

- A. Council exercises its authority under section 55 (3)(i) of the *Local Government Act 1993* and approves an exemption from tendering for the completion of Nolan Reserve Amenities and Beacon Hill Community Centre. A satisfactory result would not be achieved by inviting tenders based on the following "*extenuating circumstances*":
 - a. There are significant risks for tenderers in taking on partially completed works and suitable contractors who provide value for money will be limited.
 - b. A formal tender process will take up to four months to complete with significant work required to identify the balance of works required and to document the scope. The current and continued delays will adversely affect user groups of the buildings.
- B. Authority be delegated to the Chief Executive Officer to enter into negotiations with suitable contractors to complete the works and to execute all necessary documentation to give effect to this resolution.

- C. To allow for risks associated with completing partially completed projects, the draft 2019-20 budget to be presented to Council at its June 2019 meeting includes an additional capital expenditure allocation of \$1,000,000 to Nolan Reserve Amenities and \$545,000 for Beacon Hill Community Centre. Funding is to be allocated from working capital made available through the balance of proceeds from the compulsory acquisition of land adjacent to Manly Vale Public School (\$177,566) and the sale of road reserves in the 2018-19 financial year (\$1,367,434).

RESOLVED BY EXCEPTION

17.6 RFT 2019/073 - NORTH NARRABEEN OCEAN ROCK POOL CENTRAL BOARDWALK REPLACEMENT WORKS

161/19 RESOLVED

Cr Heins / Cr Harrison

That:

- A. In accordance with clause 178 (1)(a) of the Local Government (General) Regulation 2005 Council accepts the tender of GPM Constructions Pty Ltd for RFT 2019/073 – North Narrabeen Ocean Rock Pool Central Boardwalk Replacement Works for the sum of \$206,170.10 excluding GST.
- B. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.

RESOLVED BY EXCEPTION

17.7 RFT 2019/008 - LIONEL WATTS SKATE PARK

162/19 RESOLVED

Cr Heins / Cr Harrison

That:

- A. In accordance with clause 178 (1)(a) of the *Local Government (General) Regulation 2005* Council accepts the tender of Revolution Pty Ltd for RFT 2019/008 – Lionel Watts Skate Park for the sum of \$345,000 excluding GST.
- B. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.

RESOLVED BY EXCEPTION

17.8 RFT 2019/080 - SPORTS FIELD RENOVATION & LINE MARKING PANEL

163/19 **RESOLVED**

Cr Heins / Cr Harrison

That:

- A. In accordance with clause 178 (1)(a) of the *Local Government (General) Regulation 2005* Council accept the tenders as detailed below for RFT 2019/080 – Sports Field Renovation & Line marking Panel for the period 30 June 2019 to 30 June 2022 with two twelve month options to extend the term subject to satisfactory performance.

- Sub-Panel 1 Aeration
- Sub-Panel 2 Topdressing
- Sub-Panel 3 Turfing
- Sub-Panel 4 Spreading/Spraying
- Sub-Panel 5 Line marking
- Sub-Panel 6 Drainage

Tenderer Name	Sub Panel 1	Sub Panel 2	Sub Panel 3	Sub Panel 4	Sub Panel 5	Sub Panel 6
Landscape Solutions	✓					
Green Horticultural Group	✓	✓	✓	✓	✓	
Green Options	✓	✓	✓		✓	✓
Citiwide	✓		✓	✓	✓	
Nuturf	✓	✓	✓	✓		✓
Benedict		✓				
Projects BP		✓	✓			
Around the Grounds					✓	
Living Turf				✓		
Grae's Grass n Gardens				✓		
Turfdrain						✓

- B. The Chief Executive Officer be delegated authority to execute the Deeds of Agreement with the companies as listed.
- C. The Chief Executive Officer be delegated authority to exercise Council's option to extend the panel agreements for up to two additional twelve month periods.

RESOLVED BY EXCEPTION

17.9 RFT 2018/126 - SERVICES FOR HEATING, VENTILATING AND AIR CONDITIONING

164/19 **RESOLVED**

Cr Heins / Cr Harrison

That:

- A. Council accepts the tender of Airmaster Australia Pty Ltd for RFT 2018/126 – Services For Heating, Ventilating And Air Conditioning Services for the initial annual amount of \$88,203.70 (ex GST) subject to cost adjustment by CPI for each year thereafter, for the period 1 June 2019 to 31 May 2022 with 1 + 1 year options to extend subject to satisfactory performance.
- B. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution, including the ability to exercise Council's options to extend the contract term.

RESOLVED BY EXCEPTION

17.10 RFT 2019/031 - MANLY LIFE SAVING CLUB DESIGN CONSULTANCY SERVICES

165/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council in accordance with clause 178 (3)(a) of the Local Government (General) Regulation 2005 decline to accept any of the tenders received for RFT 2019/031 – Design Consultancy Services for Manly Life Saving Club.

RESOLVED BY EXCEPTION

17.11 RFT 2019/036 - LAKESIDE CARAVAN PARK CABIN AND AMENITIES REFURBISHMENT

166/19 **RESOLVED**

Cr Heins / Cr Harrison

That:

- A. Council accepts the tender of Ozz Projects (Aust) Pty Ltd for RFT 2019/036 – Lakeside Caravan Park Cabin and Amenities Refurbishment for the sum of \$258,595 excluding GST.
- B. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

17.12 ACQUISITION AND PROPOSED TRANSFER OF LAND TO COUNCIL

167/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council note the amended process for the purchase of the land.

RESOLVED BY EXCEPTION

The meeting concluded at 7:59pm.

This is the final page of the minutes comprising 27 pages
numbered 1 to 27 of the Ordinary Council Meeting
held on Tuesday 28 May 2019 and confirmed on Tuesday 25 June 2019

Mayor

Chief Executive Officer