



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 28 NOVEMBER 2017

(2017/17)

**Minutes of an Ordinary Meeting of Council
held on Tuesday 28 November 2017
at the Civic Centre, Dee Why
Commencing at 6.30pm**

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
Rory Amon
Pat Daley
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Rosslyn Harrison (*joined the meeting at 6.47pm*)
Sue Heins
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren
Ian White

Officers

Mark Ferguson	Chief Executive Officer
Helen Lever	General Manager Customer & Corporate
Ben Taylor	General Manager Environment & Infrastructure
David Kerr	General Manager Planning Place & Community
Kate Lewis	Business Performance Executive Customer and Corporate
Andrew Pigott	Executive Manager Strategic Place Planning
David Walsh	Chief Financial Officer
Neil Williamson	Executive Manager Environmental Compliance
Phil Devon	Manager Transport Network
Sonya Gallery	Executive Manager Governance & Risk
Jasmine Evans	Governance Officer
Sherryn McPherson	Governance Officer
Ben Haslett	Information Management Technology Service Delivery Manager
Sylwia Stafford	Information Management Technology Officer

Notes

The meeting commenced at 6.30pm and adjourned at 8.55pm, resumed at 9.05pm and concluded at 11.12pm.

1.0 APOLOGIES

NOTE: The Mayor advised that Councillor Harrison would arrive late to the meeting.

Nil

2.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Councillor Regan declared a significant non-pecuniary interest in relation to Item 11.1 – Notice of Motion No 07/2017 – Poker Machine Licences and took no part in the discussion or voting on this item. The reason provided by the Councillor Regan was:

“Due to my association with a number of RSL sporting clubs as a member. On occasion I undertake negotiations with a number of clubs in this area to secure sponsorship funding for the sporting clubs I am associated with as a member”.

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 24 OCTOBER 2017

151/17 **RESOLVED**

Cr Amon / Cr White

That the Minutes of the Ordinary Council Meeting held 24 October 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

NOTE 1: 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.

NOTE 2: Councillor Harrison joined the meeting at 6:47pm.

- 4.1 Glynnis Condon made a statement regarding the state of Oxford Falls Road West, fox baiting program and road naming in Oxford Falls.
- 4.2 David Murray made a statement regarding the Pasadena sale.
- 4.3 Guy Finlay made a statement about South Palm Beach boardwalk construction.
- 4.4 Jack Tilburn made a statement in regard to the Council car park between Oaks Avenue and Howard Avenue, Dee Why.
- 4.5 Bruce Kitson made a statement in regard to reports outstanding for Section 94 Contributions, a capital expenditure post audit on the car parking system and the annual financial statements.
- 4.6 Tim Crossman made a statement in regard to the closure of the Animal Welfare League NSW Ingleside Shelter, the 'Save our Shelter' Campaign and "S.A.F.E Rehoming'.

5.0 MAYORAL MINUTES

5.1 MAYORAL MINUTE NO 05/2017 - ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) AND SITE COMPATIBILITY CERTIFICATES

NOTE: Diana Pecar addressed Council on this item.

152/17 **RESOLVED**

Cr Regan

That Council:

- A. Writes to the Minister for Planning to express its continued concerns with the operation of State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004) as outlined in this Mayoral Minute.
- B. Also request that the Minister amend the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 to make it apply only to individual lots that independently satisfy the locational criteria in the Seniors SEPP.
- C. Request that a draft of any proposed amendments to the Seniors SEPP is made available to Council for review and comment prior to adoption.
- D. Request the Secretary of the Department of Planning to delegate their authority under Section 23 of the *Environmental Planning and Assessment Act 1979*, to Council to assess and determine applications for Site Compatibility Certificates made under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

VOTING

FOR: Unanimous

CARRIED

5.2 MAYORAL MINUTE NO 06/2017 - SPORTSFIELDS LIGHTING UPGRADE PROGRAM

153/17 **RESOLVED**

Cr Regan

That Council:

- A. Request staff bring a short report back to Council within three months identifying the sporting fields lighting upgrade program included in both the Sportsground Strategy and Council's Capital Works program.
- B. Include in the report the planning process, resourcing and budget issues that need to be considered in order to bring forward and deliver by the end of 2018 lighting upgrades for all fields identified in the report.

VOTING

FOR: Unanimous

CARRIED

6.0 ITEMS RESOLVED BY EXCEPTION

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

154/17 RESOLVED

Cr Regan / Cr Ferguson

That Items 7.2, 8.2, 8.4, 8.5, 9.1, 9.2, 9.4, 9.6, 10.3, 10.7, 11.2, 11.4, 11.5 and 11.7 are dealt with by exception with the recommendations of the Chief Executive Officer / General Managers being adopted.

VOTING

FOR: Unanimous

CARRIED

7.2 MONTHLY INVESTMENT REPORT - OCTOBER 2017

155/17 RESOLVED

Cr Regan / Cr Ferguson

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

RESOLVED BY EXCEPTION

8.2 ESTABLISHMENT AND RE-ESTABLISHMENT OF ALCOHOL FREE ZONES

156/17 RESOLVED

Cr Regan / Cr Ferguson

That Council approve the establishment of Alcohol Free Zones for a four year period covering the public roads, footpaths and carparks within the following locations:

- A. Church Point
- B. Newport Residential
- C. Newport Beach
- D. Avalon
- E. Mona Vale
- F. Dee Why
- G. Palm Beach
- H. Freshwater Village

RESOLVED BY EXCEPTION

8.4 MEMBERSHIP OF SHORE REGIONAL ORGANISATION OF COUNCILS (SHOROC)

157/17 **RESOLVED**

Cr Regan / Cr Ferguson

That Council formally withdraws its membership of the Shore Regional Organisation of Councils.

RESOLVED BY EXCEPTION

8.5 COMMUNITY LIBRARY FUNDING – TERREY HILLS AND BALGOWLAH SEAFORTH COMMUNITY LIBRARIES

158/17 **RESOLVED**

Cr Regan / Cr Ferguson

That Council approves the 2017/18 funding allocation of \$23,000 for Terrey Hills Community Library and \$22,000 for Balgowlah Seaforth Community Library.

RESOLVED BY EXCEPTION

9.1 PROPOSED INCORPORATION OF COUNCIL LANDS INTO KU-RING-GAI CHASE NATIONAL PARK ON WESTERN FORESHORES OF PITTWATER WATERWAY

159/17 **RESOLVED**

Cr Regan / Cr Ferguson

That Council:

- A. Authorise the transfer of the lots annexed to this report (in Attachments 1 & 2) to National Parks & Wildlife Service (Office of Environment and Heritage) for inclusion within Kur-ring-gai Chase National Park.
- B. Proceed with the proposed land transfer of the Council lots in Attachment 1 of this report and continue to pursue National Parks & Wildlife Service (Office of Environment and Heritage) to accept the transfer of the remaining Council lots in Attachment 2, should National Parks & Wildlife Service (Office of Environment and Heritage) not accept the entire list of lots for transfer as identified in item A above (excludes Lots 10, 11, 13 & 14 DP 13449 adjacent to Elvina Bay Bush Fire Brigade).
- C. Authorise the transfer of Lot 12 DP 13449 from National Parks & Wildlife Service (Office of Environment and Heritage) to Council for the Elvina Bay Bush Fire Brigade site or any licence for Council to continue to occupy this site.
- D. Authorise the carrying out of all things necessary to give effect to this resolution including the execution of any required documentation under power of attorney.

RESOLVED BY EXCEPTION

9.2 MONA VALE CEMETERY CONSERVATION MANAGEMENT PLAN

160/17 **RESOLVED**

Cr Regan / Cr Ferguson

That Council adopt the Mona Vale Cemetery Conservation Management Plan.

RESOLVED BY EXCEPTION

9.4 DRAFT ASSET MANAGEMENT POLICY

161/17 **RESOLVED**

Cr Regan / Cr Ferguson

That Council:

- A. Place the draft Asset Management Policy on public exhibition for a period of 28 days inviting submissions.
- B. Report back following close of the public exhibition period.

RESOLVED BY EXCEPTION

9.6 PUBLIC EXHIBITION OF DRAFT FRESHWATER COASTAL OPEN SPACE MASTERPLAN

162/17 **RESOLVED**

Cr Regan / Cr Ferguson

That Council place the draft Freshwater Coastal Open Space Masterplan on public exhibition from 2 December 2017 until 4 February 2018.

RESOLVED BY EXCEPTION

10.3 FIRE & RESCUE NSW - INSPECTION REPORT - 199-203 PITTWATER ROAD, MANLY

163/17 **RESOLVED**

Cr Regan / Cr Ferguson

That Council:

- A. Issue an Order 6 in the table to Section 121B of the Environmental Planning and Assessment Act 1979 for 199-203 Pittwater Road, Manly to address the fire safety deficiencies identified by Fire & Rescue NSW.
- B. Provide notice to Fire and Rescue NSW of the above determination.

RESOLVED BY EXCEPTION

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

164/17 **RESOLVED**

Cr Regan / Cr Ferguson

That Council notes:

- A. The development applications granted approval with variations to development standards under Manly Local Environment Plan 2013 during the period 1 July 2017 and 30 September 2017.
- B. The development applications granted approval with variations to development standards under Pittwater Local Environment Plan 2014 during the period 1 July 2017 and 30 September 2017.
- C. The development applications granted approval with variations to development standards under Warringah Local Environment Plan 2011 during the period 1 July 2017 and 30 September 2017.
- D. The development application granted approval with a variation to development standard under SEPP 64.

RESOLVED BY EXCEPTION

7.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

7.1 QUARTERLY FINANCIAL AND MANAGEMENT REPORT SEPTEMBER 2017

165/17 **RESOLVED**

Cr Bingham / Cr Regan

That Council:

- A. Note the Budget Review Statement for the three months ended 30 September 2017.
- B. Approve the following changes to the Current Forecast in the September 2017 Business Review Statement:
 - a. The Surplus from Continuing Operations which includes Capital Grants and Contributions is forecast to increase by \$867,356 to \$28,814,657.
 - b. Increase in capital expenditure by \$7,812,638.

VOTING

FOR: Unanimous

CARRIED

7.3 STRONGER COMMUNITY FUND - QUARTERLY UPDATE SEPTEMBER 2017

166/17 **RESOLVED**

Cr De Luca / Cr Regan

That Council note the Stronger Communities Fund September Quarterly Update.

VOTING

FOR: Unanimous

CARRIED

8.0 CUSTOMER & CORPORATE DIVISION REPORTS

8.1 COMMUNITY COMMITTEE FRAMEWORK

167/17 **RESOLVED**

Cr Daley / Cr McTaggart

That Council:

- A. Adopt the proposed Community Committee Framework detailed in this report. Following adoption of this framework all previous committees will conclude and Council acknowledges and thanks all previous members for their contribution.
- B. Place the draft Policy for Appointment of Community and Stakeholder Representatives on Committees (Attachment 1) on public exhibition inviting submissions. Report back following close of the public exhibition period.
- C. Establish six (6) Strategic Reference Groups (SRGs) aligned to the Community Strategic Plan Goals and adopt the Terms of Reference and Charters (Attachment 2).
- D. Adopt the Terms of Reference (ToR) and Charter for the new Mona Vale Performance Space Advisory Committee (Attachment 3).
- E. Approve additional total funding of \$30,000 required to support the proposed Councillor Ward based engagement activities. This additional expenditure will lead to a reduction in Councils' budgeted surplus.
- F. Adopt the following Strategic Reference Groups, Committees and Memberships, including the number of Council representatives on each Committee and the Council representation as detailed below:

Strategic Reference Groups	Representation	Council Representatives
1. Environment	Mayor plus 3 Councillors	Councillor McTaggart (Chair) Councillor Warren Councillor Pat Daley Councillor Sprott
2. Places for People	Mayor plus 3 Councillors	Councillor White (Chair) Mayor Councillor Sprott Councillor Bingham
3. Community and Belonging	Mayor plus 3 Councillors	Councillor Bingham (Chair) Councillor Philpott Councillor Ferguson Councillor Grattan
4. Economic and Smart Communities	Mayor plus 3 Councillors	Councillor Walton (Chair) Mayor Councillor Heins Councillor Harrison
5. Transport & Travel	Mayor plus 3 Councillors	Councillor Grattan (Chair) Mayor Councillor Amon

6. Participation & Partnerships	Mayor plus 3 Councillors	Councillor Heins (Chair) Mayor Councillor Harrison Councillor Philpott
Statutory Committees	Representation	Council Representatives
Conduct Review Committee	Panel of Independent Members	EOI to be issued for qualified representatives
Audit Risk & Improvement Committee	3 Councillors	Councillor Walton Councillor Heins Councillor Grattan
Traffic Committee	Mayor or delegate	Mayor (Chair)
Council Joint Stakeholder Committees	Representation	Council Representatives
Ingleside Community Reference Group	2 Councillors	Councillor Ferguson (Chair) Councillor De Luca
NB Flood Management Committee (New)	Mayor and 2 Councillors	Councillor McTaggart (Chair) Councillor Warren Councillor Heins
Mona Vale Performance Space Advisory Committee (New)	Mayor and 2 Councillors	Mayor (Chair) Councillor Philpott Councillor Ferguson
NB Hospital Precinct Structure Plan Consultation Committee (New)	Mayor and 3 Councillors	Mayor (Chair) Councillor Philpott Councillor Harrison Councillor Sprott
NB Stakeholder Safety Advisory Committee (New)	5 Councillors (Up to 1 per ward)	Mayor (Chair) Councillor Bingham Councillor Ferguson Councillor Daley Councillor Heins
CEO Performance Review Panel (New)	Mayor, D/Mayor, 2 Councillors (inc CEO nomination)	Mayor , Deputy Mayor CEO Nomination - Councillor White Councillor Amon
External Joint Stakeholder Committees	Representation	Council Representatives
Currawong State Park Advisory Committee	Mayor (or delegate)	Mayor, or delegate Councillor Ferguson
Manly Dam State Park Advisory Committee (New)	Mayor (or delegate)	Mayor, or delegate Councillor Sprott
Narrabeen Lagoon State Park Advisory Committee	Mayor (or delegate)	Mayor (Chair - direct State Appointment)

RFS Bush Fire Management Committee	1 Councillor	Councillor White, or alternate delegate Councillor Heins
ClubGRANTS Committee (New)	5 Councillors (Up to 1 per ward)	Councillor Bingham Councillor De Luca Councillor Ferguson
NB Indoor Sports Centre Board	CEO delegate	CEO delegate Ms Shirley Phelps
PCYC Advisory Committee (New)	Mayor (or delegate)	Mayor, or alternate delegate Councillor Harrison
Memberships	Representation	Council Representatives
NSW Metro Public Libraries	1 Councillor	Councillor Philpott
Sydney Coastal Council Group	2 Councillors	Councillor White Councillor Walton
Shorelink Library Network	1 Councillor (until July 2018)	Councillor Philpott

VOTING

FOR: Unanimous

CARRIED

SUPPLEMENTARY MOTION

Cr De Luca / Cr Daly

That Council writes to all past members of section 355 Management Committees, Youth for Community Centres and Community Advisory Committees for Sportsfields and ask what they want on the structure of future management of such facilities and it is limited to those who were on those committees prior to the amalgamation of Northern Beaches Council from the last 4 years.

VOTING

FOR: Crs Amon, Daley, De Luca, Ferguson and Sprott.

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

LOST

8.3 ALCOHOL PROHIBITED AREAS ON AUSTRALIA DAY 2018

Cr De Luca / Cr Daly

That:

1. Council declares temporary Alcohol Prohibited Areas on all sand areas of all beaches within the Northern Beaches LGA on Australia Day, 26 January 2018 from 6.00am for a period of 24 hours.
2. Councillors to be provided a briefing by 30 June 2018 by the Northern Beaches LAC on alcohol fuelled violence on the Northern Beaches, including the impacts of temporary Alcohol Prohibited Areas (APAs) and Alcohol Free Zones (AFZs) on alcohol fuelled violence and the displacement of alcohol fuelled violence as a result of those APAs and AFZs.
3. Notwithstanding that there is no legislative requirement for consultation under section 632A of the Local Government Act 1993, any future declaration of temporary APAs go to community consultation in accordance with usual procedures.

VOTING

FOR: Crs Amon, De Luca

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

LOST

168/17 **RESOLVED**

Cr Daley / Cr Ferguson

That Council declares temporary Alcohol Prohibited Areas on all sand areas of all beaches within the Northern Beaches LGA on Australia Day, 26 January 2018 from 6.00am for a period of 24 hours.

VOTING

FOR: Unanimous

CARRIED

8.6 NORTHERN BEACHES COUNCIL TRAINEESHIP PROGRAM

169/17 **RESOLVED**

Cr De Luca / Cr Warren

That:

- A. Council exercise its authority under Section 55 (3) of the Local Government Act and approve an alternative procurement process for the provision of a Northern Beaches Council Traineeship Program (up until December 2018).

The proposed alternative procurement is based on “extenuating circumstances” including:

- a. Council has a current arrangement in place with MEGT that can continue seamlessly for another 12 months whilst a review of options is undertaken including the possibility of bringing the Traineeship Program in house, in line with the Northern Beaches Council People Plan 2017 - 2020.
 - b. Business units across the organisation currently have trainees in place, with end dates ranging from December 2017 to October 2018. Business unit resource plans and budgets would be adversely impacted as a result of Council terminating the current arrangements.
 - c. A termination of current arrangements will require MEGT to find all trainees a new placement within 28 days.
- B. Authority be delegated to the Chief Executive Officer to negotiate a contract with MEGT with regards to the on-going provision of a Traineeship Program and if successful to execute all necessary documentation to give effect to this resolution.

VOTING

FOR: Unanimous

CARRIED

9.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

9.3 UPGRADE TO GRAVEL SECTIONS OF OXFORD FALLS AND MORGAN ROADS, OXFORD FALLS

NOTE: Edwina Laginestra addressed Council on this item.

170/17 **RESOLVED**

Cr Heins / Cr Amon

That:

- A. Council approves the proposal to upgrade the unsealed sections of Oxford Falls Road and Morgan Road to sealed road.
- B. Work on Oxford Falls Road be included in the 2017-2018 Road Resurfacing program.
- C. Work on Morgan Road be included in the 2018-2019 Road Resurfacing program.
- D. Investigate and monitor with Roads and Maritime Services the need for traffic lights at intersection with Wakehurst Parkway.
- E. Investigate traffic calming measures to address traffic speed or volume changes and impact on road safety, flora and fauna.
- F. Council investigate installation of a fauna protection fence following consultation with wildlife conservation stakeholders.
- G. Councillors be briefed on points D, E and F within four (4) months.

VOTING

FOR: Unanimous

CARRIED

9.5 RFT 2017/148 - BEACON HILL COMMUNITY CENTRE BUILDING UPGRADE WORKS

NOTE: Councillor Philpott left the chamber at 8:18pm and returned at 8:19pm.

171/17 **RESOLVED**

Cr De Luca / Cr Regan

That:

- A. Council decline to accept in accordance with clause 178(a)(b) of the Local Government (General) Regulation 2005 any of the tenders received for 2017/2018 Beacon Hill Community Centre Building Upgrade Works.
- B. Council invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details.

VOTING

FOR: Unanimous

CARRIED

9.7 PALM BEACH PARKING DEMAND MANAGEMENT STRATEGY

NOTE: *Denis Pontin, Susan Haddock, Rosemary Edgell-Bush and Virginia Christensen addressed Council on this item.*

172/17 **RESOLVED**

Cr McTaggart / Cr Ferguson

That:

- A. Council adopt the twelve (12) recommended strategies outlined in the Palm Beach Parking Demand Management Strategy.
- B. Council commence implementation of the recommendations outlined in the Palm Beach Parking Demand Management Strategy as a priority, including informing the development of Council's future Capital Works Program.
- C. Council continue to work with the local residential and business community to monitor parking demand.
- D. The Palm Beach Parking Demand Strategy be reviewed on or by 30 April 2018 so that all the proposed strategies 1 to 12 can be thoroughly assessed once in place.
- E. When Council introduces new ticket machines in 2018 Council seek to implement machines so that all vehicles in Pittwater Park (south) will display a ticket from the machine in order to record the time of arrival into the carpark which can be readily established by parking officers. Vehicles without a Northern Beaches parking permit would select the "pay and display" option and those with a Northern Beaches parking permit would select a ticket which would not have to be paid for but would display the time of entry.
- F. Long term parking of 10 days or more (north) is prohibited.
- G. Council install 4P parking Monday to Sunday on Barrenjoey Road, Palm Beach opposite Iluka Road (stairway to McKay).

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION – ADJOURNMENT OF MEETING

173/17 **RESOLVED**

Cr Regan / Cr Ferguson

That Council adjourn the meeting for ten (10) minutes and reconvene at 9.05pm.

VOTING

FOR: Unanimous

CARRIED

10.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

10.1 COMPLIANCE AND ENFORCEMENT POLICY - OUTCOMES FROM PUBLIC EXHIBITION

NOTE: Terry le Roux addressed Council on this item.

Cr Regan / Cr Harrison

That Council adopt the Compliance and Enforcement Policy.

AMENDMENT

174/17 **RESOLVED**

Cr Bingham / Cr Ferguson

That:

- A. That Council defers consideration of the Compliance and Enforcement Policy until the Enforcement Guidelines have been developed and the Guidelines have been put on public exhibition.
- B. The Compliance and Enforcement Policy and the Enforcement Guidelines mirror each other during the engagement period.

VOTING

FOR: Unanimous

CARRIED

10.2 PLANNING PROPOSAL AND OFFER FOR FUTURE VOLUNTARY PLANNING AGREEMENT IN RELATION TO 28 LOCKWOOD AVENUE BELROSE (FORMER BELROSE LIBRARY SITE)

Cr Amon / Cr Regan

That Council:

- A. Does not support a Planning Proposal which changes the height standard for 28 Lockwood Avenue, Belrose.
- B. Supports an amended Planning Proposal which:
 - a) Permits additional land uses of “residential flat building” and “multi dwelling housing” on that part of the land fronting Lockwood Avenue only;
 - b) Prohibits the granting of development consent for a residential flat building or multi dwelling housing on the land unless a minimum Floor Space Ratio of 0.5:1 is provided on the site for commercial premises.
 - c) Negotiates and finalises a formal Voluntary Planning Agreement offer from the proponent which addresses pedestrian connections through the site, the provision of affordable rental housing, public space, and retention of green space to be included with the exhibition of the Planning Proposal following the Gateway Determination.

AMENDMENT

175/17 **RESOLVED**

Cr Harrison / Cr Spratt

That the item be deferred to the 19 December 2017 ordinary Council meeting.

VOTING

FOR: Unanimous

CARRIED

10.4 PLANNING PROPOSAL 333 MONA VALE ROAD TERREY HILLS

NOTE: Rocco Pollifrone, Ian Ezzy and Graeme Freer addressed Council on this item.

PROCEDURAL MOTION – EXTENSION OF TIME

Cr De Luca / Cr Sprott

That Rocco Pollifrone be granted an extension of three (3) minutes of time to address the meeting.

VOTING

FOR: Crs De Luca, Sprott and Ferguson

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

LOST

176/17 **RESOLVED**

Cr Regan / Cr Amon

That Council rejects the Planning Proposal lodged for 333 Mona Vale Road Terrey Hills, and does not submit it to the Department of Planning and Environment for a Gateway Determination, for the following reasons:

- A. The Planning Proposal is inconsistent with the objectives of the RU4 Primary Production Small Lots zone applying to the land under Warringah Local Environmental Plan 2011.
- B. The Planning Proposal is inconsistent with Local Planning Direction 1.2 – Rural Zones.
- C. The Planning Proposal has no strategic merit or site-specific merit when assessed in accordance with the *NSW Planning & Environment's Planning Proposals: A guide to preparing planning proposals (2016)*.
- D. Insufficient evidence has been provided to demonstrate that land is not available within areas already zoned to permit a "transport depot" i.e. B5 Business Development and IN1 General Industrial under Warringah Local Environmental Plan 2011 and B7 Business Park and IN2 Light Industrial zones under Pittwater Local Environmental Plan 2014.
- E. The development proposal is not considered an appropriate development outcome as it has the potential to exacerbate traffic problems and associated noise impacts in the area.

VOTING

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

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

CARRIED

AMENDMENT

Cr Ferguson / Cr Walton

That item 10.4 be deferred to the 19 December 2017 Council meeting.

VOTING

FOR: Crs Daley, De Luca, Ferguson, Sprott and Walton.

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

LOST

**10.5 SUBMISSION TO THE DEPARTMENT OF PLANNING AND ENVIRONMENT
RESPONDING TO A REVIEW OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT REGULATION 2000**

177/17 **RESOLVED**

Cr Regan / Cr Harrison

That Council forwards the Northern Beaches Council submission to the Department of Planning and Environment in response to the *Review of the Environmental Planning and Assessment Regulation 2000, Issues Paper*.

VOTING

FOR: Unanimous

CARRIED

10.6 PLANNING PROPOSAL (PP0002/17) 2 ORCHARD STREET AND 204 & 206 GARDEN STREET, WARRIEWOOD

NOTE: Chris Hornsby, Juliet Grant and Angus Gordon addressed Council on this item.

PROCEDURAL MOTION – PUBLIC ADDRESS

Cr De Luca / Cr Ferguson

That Council allow all the speakers who have registered to speak.

VOTING

FOR: Crs De Luca, Ferguson, McTaggart, Sprott and Warren.

AGAINST: Crs Amon, Bingham, Daley, Grattan, Harrison, Heins, Philpott, Regan, Walton and White.

LOST

178/17 RESOLVED

Cr De Luca / Cr Ferguson

That Council not progress the Planning Proposal lodged for 2 Orchard Street and 204 & 206 Garden Street, Warriewood to the Gateway for a determination for the following reasons:

- A. It is inconsistent with the relevant strategic study being the *Warriewood Valley Strategic Review Report (2012)*, endorsed by the former Director General on 26 May 2013 and adopted by the former Pittwater Council on 12 June 2013 and subsequently incorporated into the *Pittwater Local Environmental Plan 2014*.
- B. 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)*.
- C. It is inconsistent with Local Planning Directions:
 - a. 3.1 Residential Zones
 - b. 7.1 Implementation of the Metropolitan Strategy.
- D. The outcome of the Planning Proposal is not considered an appropriate development outcome because it:
 - a. seeks a height and dwelling density that is significantly inconsistent with Council's strategic planning framework
 - b. is excessive in bulk and scale
 - c. is out of character with the locality
 - d. will result in adverse privacy, overshadowing and view impacts
 - e. does not allow for adequate landscaping and streetscape amenity
 - f. is the subject of strong community opposition and is not considered in the public interest.

- E. The inclusion of water management facilities on land proposed to be dedicated to the public is unacceptable to Council.
- F. The inclusion of land in the Planning Proposal without owner's consents is likely to have both social and economic effects on affected landowners. Amending the planning framework on privately owned land, on the request of an adjacent landowner, without written owner's consent is unacceptable to Council.
- G. The information submitted to support the Planning Proposal is substantially deficient to allow for an informed assessment of the Planning Proposal in regards to traffic matters and required infrastructure upgrades.

VOTING

FOR: Unanimous

CARRIED

10.8 PLANNING PROPOSAL (PP0003/17) 2-4 NOOAL STREET AND 66 BARDO ROAD, NEWPORT

NOTE 1: Greg Boston and Gavin Butler (on behalf of Newport Residents Association) addressed Council on this Item.

NOTE 2: Councillor Amon left the chamber at 10:24pm and returned at 10:25pm.

NOTE 3: Councillor De Luca left the chamber at 10:25pm and returned at 10:26pm.

179/17 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

- A. Council does not submit the Planning Proposal lodged for 2-4 Nooal Street and 66 Bardo Road, Newport for a Gateway Determination for the following reasons:
- a. It is inconsistent with the *Pittwater Local Planning Strategy (2011)*.
 - b. It does not have strategic merit or site specific merit when assessed in accordance with the NSW Planning & Environment's *Planning Proposal: A guide to preparing planning proposal (2016)*.
 - c. It does not align with the goals and targets of the *Revised Draft North District Plan*.
 - d. It is inconsistent with the following State Environmental Planning Policies;
 - i. Housing for Seniors or People with a Disability
 - ii. Coastal Protection
 - iii. Draft Coastal Management.
 - e. Is inconsistent with the following Local Planning Directions;
 - i. 2.1 – Environmental Protection Zones
 - ii. 4.3 – Flood Prone Land
 - iii. 7.1 – Implementation of the Metropolitan Strategy
 - iv. Draft Coastal Management Local Planning Direction.
 - f. It is inconsistent with the objectives of the E4 Environmental Living zone in Pittwater LEP 2014.
 - g. It seeks to permit medium density residential development that is inconsistent with the established low density character of the area.
 - h. It would set an unacceptable precedent.
- B. The proponent and interested parties who made a submission be advised of Council's decision.

VOTING

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

AGAINST: Cr Heins

CARRIED

11.0 NOTICES OF MOTION

11.1 NOTICE OF MOTION NO 07/2017 - POKER MACHINE LICENCES

NOTE 1: Kate da Costa addressed Council on this Item.

NOTE 2: Councillor Regan left the meeting at 10.31pm and returned at 10.55pm, having declared a significant non-pecuniary interest in Item 11.1 – Notice of Motion No 07/2017 – Poker Machine Licences. The reason provided by Councillor Regan was:

“Due to my association with a number of RSL sporting clubs as a member. On occasion I undertake negotiations with a number of clubs in this area to secure sponsorship funding for the sporting clubs I am associated with as a member”.

NOTE 3: Councillor Bingham assumed the Chair for this item.

NOTE 4: Councillor Heins left the chamber at 10:34pm and returned at 10:38pm.

NOTE 5 : Councillor Harrison left the chamber at 10.38pm..

NOTE 6: Councillor Grattan left the chamber at 10:39pm and returned at 10:41pm.

NOTE 7: Councillor De Luca left the chamber at 10:39pm and returned at 10:41pm.

NOTE 8 : Councillor Heins left the chamber at 10:41pm and returned at 10:42pm.

NOTE 9: Councillor Sprott left the chamber at 10:45pm and returned at 10:49pm.

180/17 **RESOLVED**

Cr Daley / Cr Warren

That:

- A. Council calls on the State Government to put an immediate cap (no further increase) on poker machine licences in the Northern Beaches Local Government area.
- B. Council write to the local State MPs on the Northern Beaches seeking their support in advocating for the proposed cap on poker machine numbers.
- C. Staff bring back a report within four months advising strategies, including the creation of a Northern Beaches Council Gambling and Poker Machine Harm Management Strategy, in relation to what council can do to restrict the proliferation of poker machines in the Northern Beaches Local Government area. This is completely separate to any action the State Government may take on the issue.

VOTING

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

AGAINST: Crs Philpott, Walton and White

ABSENT: Crs Harrison and Regan

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

NOTE: The Mayor assumed the Chair.

181/17 **RESOLVED**

Cr Regan / Cr Ferguson

That the Order of Business be changed so Item 11.3 be brought forward and dealt with immediately.

VOTING

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

ABSENT: Cr Harrison

CARRIED

11.3 NOTICE OF MOTION NO 10/2017 - MONA VALE ROAD UPGRADE ALTERNATIVE TRAFFIC MANAGEMENT PLAN

NOTE 1: David Palmer and Mark Horton addressed Council on this Item.

NOTE 2: Councillor De Luca left the chamber at 10.56pm and returned at 10:57pm.

NOTE 3: Councillor Warren left the chamber at 10.57pm and returned at 10:59pm.

NOTE 4: Councillor Harrison returned to the chamber at 10.57pm.

182/17 **RESOLVED**

Cr McTaggart / Cr De Luca

That:

- A. Council convene a staff working party to firstly identify the effected streets and suburbs.
- B. Using that information develop a community consultation process to identify the challenges and solutions to ensure a safe seamless transition period thus allowing for ample notification to residents and road users.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - DEFERMENT OF ITEMS

NOTE: Cr Amon declared that he will withdraw Item 11.6 – NOM 14/2017 – No Payments to be made from the Mayoral Discretionary Fund until review of the Policy.

183/17 **RESOLVED**

Cr Regan / Cr Bingham

That Items 11.2, 11.4, 11.5 and 11.7 be deferred to the next ordinary Council meeting.

VOTING

FOR: Unanimous

CARRIED

ITEMS TO BE DEFERRED TO THE NEXT ORDINARY COUNCIL MEETING:

- 11.2 **NOTICE OF MOTION NO 08/2017 - REVAMP OF WHISTLER STREET CAR PARK AND LIBRARY SITE AND COMMUNITY CAMPAIGN**

- 11.4 **NOTICE OF MOTION NO 11/2017 - SATELLITE OFFICE AT FORESTVILLE COMMUNITY CENTRE**

- 11.5 **NOTICE OF MOTION NO 13/2017 - COUNCIL REVIEW OF MAYORAL DISCRETIONARY FUND POLICY**

- 11.7 **NOTICE OF MOTION NO 15/2017 - MOVEABLE HERITAGE**

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 05/2017 - COUNCIL EXPENDITURE ON CONFERENCES/RETREATS STAFF AND COUNCILLORS

12.2 QUESTION ON NOTICE NO 06/2017 - EXPENDITURE ON STAFF REDUNDANCIES

12.3 QUESTION ON NOTICE NO 07/17 - NORTHERN BEACHES PARKING STICKERS ON INTERNET SITES

13.0 RESPONSES TO QUESTIONS ON NOTICE

13.1 RESPONSE TO QUESTION ON NOTICE NO 01/2017 - MANLY DESTINATION PLAN

Council staff are continuing to work with the Manly Chamber of Commerce to review and finalise the draft Manly Destination Management Plan. Consultation has also taken place with The Stafford Group who were the consultants engaged to develop the Plan. This work is designed to ensure the document is up-to-date with projects and planning in the Manly area and it is anticipated to be completed by early December.

13.2 RESPONSE TO QUESTION ON NOTICE NO 02/2017 - FAIRY BOWER POOL SEA NYMPHS PLAQUE

Council staff will meet with the Committee to agree on an appropriately understated plaque that provides information on the sculpture and notes the fundraising contribution.

13.3 RESPONSE TO QUESTION ON NOTICE NO 03/2017 - EXPENDITURE ON PROFESSIONAL LIFE GUARD HUTS

- The total expenditure on Life Guard Huts in the past four years has been \$448,000. This comprises \$198,000 for the hut at Dee Why and \$250,000 for the hut under construction at Narrabeen.
- Nineteen Surf Life Saving Clubhouses have provision for the Council lifeguards. The privately owned Whale Beach SLSC has storage space within adjacent Council owned garages.
- North Narrabeen Life Guard Hut was moved and re-built following storm damage in 2010 at a cost of \$111,190. The original construction cost was approximately \$60,000.

13.4 RESPONSE TO QUESTION ON NOTICE NO 04/2017 - FRENCHS FOREST ROAD CLOSURE

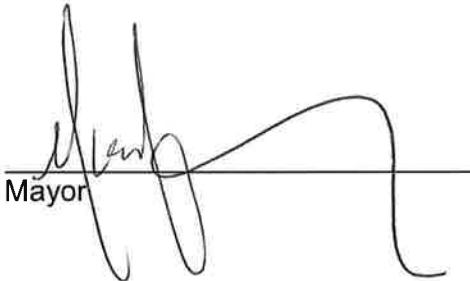
1. RMS is the road authority for Frenchs Forest Road and these works. It informed stakeholders including Council officers on a confidential basis when it determined to take this approach. Council staff met with the Road and Maritime Services contractor, Ferrovial York Joint Venture (FYJV), on the following dates 20/07/2017, 10/08/2017 and 21/09/2017. Council officers expressed concerns with the significant impact and suggested measures to help alleviate the impacts. At no stage did Council provide concurrence with the plans as this is an RMS project and Council is not able to approve or reject the works.

The meetings were held at an officer-level as outlined above. The Administrator is understood to not have been aware of these meetings and did not attend.

2. Council did not prepare a written analysis at the time staff were informed of the RMS's plans. FYJV provided Council with a final Site Traffic Management Plan on request on 04/10/2017 following the (TTLG) meeting on 21/09/2017.

The meeting concluded at 11.12PM

This is the final page of the minutes comprising 29 pages
numbered 1 to 29 of the Ordinary Council Meeting
held on Tuesday 28 November 2017 and confirmed on Tuesday 19 December 2017



Mayor



Chief Executive Officer