



northern  
beaches  
council

# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 19 DECEMBER 2017**

**(2017/19)**

**Minutes of an Ordinary Meeting of Council  
held on Tuesday 19 December 2017  
at the Civic Centre, Dee Why  
Commencing at 6.32pm**

**ATTENDANCE:**

**Councillors**

Michael Regan (Mayor)  
Candy Bingham (Deputy Mayor)  
Rory Amon  
Pat Daley  
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
Helen Lever	General Manager Customer & Corporate
Ben Taylor	General Manager Environment & Infrastructure
David Kerr	General Manager Planning Place & Community
Sonya Gallery	Executive Manager Governance & Risk
Kath Mackenzie	Executive Manager Community Engagement & Communications
Andrew Pigott	Executive Manager Strategic & Place Planning
Andrew Davies	Executive Manager Transport & Civil Infrastructure
Natasha Schultz	Executive Manager Waste Management & Cleansing
Tracey Bennett	Governance Manager
Sherryn McPherson	Governance Coordinator
Ben Haslett	Information Management Technology Service Delivery Manager
Don Morales	Information Management Technology Officer

**External Attendee**

Monique Darcy                      Consultant, MBWA Consulting

**Notes**

The meeting commenced at 6.30pm and adjourned at 8.02pm, recommenced at 8.12pm and adjourned at 9.02pm, the Closed Session of Council commenced at 9.03pm and concluded at 10.18pm, recommenced in Open Session of Council at 10.19pm and concluded at 10.28pm.

## **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 28 NOVEMBER 2017**

189/17 **RESOLVED**

***Cr Regan / Cr Ferguson***

That the Minutes of the Ordinary Council Meeting held on 28 November 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 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 Daley left the chamber at 6:33pm and returned to the chamber at 7:01pm.*

*NOTE 3: Councillor Spratt left the chamber at 6:49pm and returned to the chamber at 6:51pm.*

*NOTE 4: Councillor Grattan left the chamber at 6:59pm and returned to the chamber at 7:01pm.*

*NOTE 5: Councillor Amon left the chamber at 6:59pm and returned to the chamber at 7:01pm.*

*NOTE 6: Councillor White left the chamber at 7:28pm and returned to the chamber at 7:31pm.*

*NOTE 7: Councillor Warren left the chamber at 7:36pm and returned to the chamber at 7:39pm.*

*NOTE 8: Councillor De Luca left the chamber at 7:36pm and returned to the chamber at 7:38pm.*

### Public Forum Speakers:

- 4.1 Tom Kirsop addressed Council on behalf of the Surf Rider Foundation regarding the North Narrabeen Rock Pool development.
- 4.2 Joanne Warner addressed Council in regard to the Palm Beach Parking Strategy and its impact on offshore residents.
- 4.3 David Murray addressed Council in regard to the schedule for Ordinary Council Meetings.
- 4.4 Richard Michell addressed Council in regard to a clause within the Code of Meeting Practice.
- 4.5 Gary Hatcher addressed Council in regard to Council's compliance with regulations.
- 4.6 Conny Harris addressed Council in regard to the new Strategic Reference Groups.
- 4.7 Jack Tilburn addressed Council in regard to a clause within the Code of Meeting Practice.

### Public Address Speakers:

- 4.8 **Item 8.1 – Confirmed Minutes of the Audit, Risk & Improvement Committee Meeting** – Mr Bruce Kitson addressed the meeting speaking against the recommendation on this item.
- 4.9 **Item 9.2 – Results of Community Engagement on Proposed Little Manly Boardwalk** – Mr David Parsons addressed the meeting speaking against the recommendation on this item.
- 4.10 **Item 9.5 – Domestic Waste Collection Services Tender** – Ms Conny Harris addressed the meeting speaking in support of the recommendation on this item.
- 4.11 **Item 10.1 – Planning Proposal PP0002/16 - 9, 11, 12 & 13 Fern Creek Road, Warriewood** – Ms Jillian Sneyd addressed the meeting speaking in support of the recommendation on this item and Mr Warren Moss addressed the meeting speaking against the recommendation on this item.

- 4.12 **Item 10.3 – Planning Proposal and Offer For Future Voluntary Planning Agreement in Relation to 28 Lockwood Avenue, Belrose** – Mr Arthur Thomas Moreland addressed the meeting speaking in support of the recommendation on this item.
- 4.13 **Item 10.4 – Planning Proposal Ralston Avenue and Draft Voluntary Planning Agreement** – Ms Neva Poole and Ms Niamh Kenny addressed the meeting speaking in support of the recommendation on this item.

## 5.0 ITEMS RESOLVED BY EXCEPTION

### PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

190/17 RESOLVED

**Cr Regan / Cr Harrison**

That Items 7.2, 8.2, 8.3, 8.4, 9.2, 9.3, 9.6, 9.7, 9.8, 10.2 and 10.7 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 - NOVEMBER 2017

191/17 RESOLVED

**Cr Regan / Cr Harrison**

That Council receive and note the Investment Report as at 30 November 2017, including the certification by the Responsible Accounting Officer.

**RESOLVED BY EXCEPTION**

## 8.2 DELEGATED AUTHORITY TO THE MAYOR - CHRISTMAS/NEW YEAR RECESS 2017/2018

192/17 RESOLVED

**Cr Regan / Cr Harrison**

That Council, pursuant and subject to the limitations of section 377 of the *Local Government Act, 1993* grant authority to the Mayor to make provision for decisions to be made on critical or urgent Council matters during the 2017-2018 Christmas and New Year recess being 20 December 2017 to 30 January 2018 inclusive.

**RESOLVED BY EXCEPTION**

**8.3 SUSPENSION OF THE ALCOHOL PROHIBITED AREA ON MANLY BEACHFRONT AND PROMENADE FOR THE NEW INTERNATIONAL SURFING EVENT PRESENTED BY SURFING NSW IN FEBRUARY/MARCH 2018**

193/17 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council:

- A. Suspend the Alcohol Prohibited Area for the *Vissla Sydney Pro* surfing event within the specific event site locations on Manly Beachfront and promenade as designated by Surfing NSW for the period 24 February – 4 March 2017.
- B. Suspend the Alcohol Prohibited Area for the *Vissla Sydney Pro* surfing event only for the operating days and hours specified by Surfing NSW for the service of alcohol but starting no earlier than 11.00am and finishing no later than 7.00pm each event day.
- C. In accordance with section 645(i) of the *Local Government Act, 1993* provide appropriate notice of the suspension of the Alcohol Prohibited Areas through a local newspaper.
- D. Event staff together with event organisers continue to liaise with Northern Beaches Police in relation to the safe management of the area during the suspension of the Alcohol Prohibited Areas.

**RESOLVED BY EXCEPTION**

**8.4 NORTHERN BEACHES EVENTS STRATEGY: EXHIBITION OF DRAFT STRATEGY**

194/17 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council place on exhibition the draft Northern Beaches Events Strategy for a period of 42 days and that the submissions received and final Strategy be reported back to Council for further consideration and adoption.

**RESOLVED BY EXCEPTION**

**9.2 RESULTS OF COMMUNITY ENGAGEMENT ON PROPOSED LITTLE MANLY BOARDWALK**

195/17 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council:

- A. Defer the Little Manly Boardwalk project and incorporate consideration of the project as part of the Little Manly Reserve Masterplan planned to commence in May 2018.
- B. Reallocate the funding for the Little Manly Boardwalk for the financial year 2017/2018, CN01081, for the implementation of the East Esplanade Landscape Plan.

**RESOLVED BY EXCEPTION**

**9.3 PUBLIC EXHIBITION OF THE DRAFT GLEN STREET OPEN SPACE MASTERPLAN**

196/17 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council publically exhibit the draft Masterplan from 19 January 2018 until 23 February 2018.

**RESOLVED BY EXCEPTION**

**9.6 ALTERNATIVE PROCUREMENT – BUS SHELTERS SUPPLY MAINTENANCE AND ADVERTISING RIGHTS**

197/17 **RESOLVED**

**Cr Regan / Cr Harrison**

That:

- A. Council exercise its authority under Section 55 (3) of the *Local Government Act, 1993* and approve an alternative procurement process for the provision of supply, maintenance and operation of bus shelters and associated advertising as it believes a satisfactory result would not be achieved by inviting tenders. The proposed alternative procurement is based on the following “extenuating circumstances”:
  - a. The requirement to continue a critical service to Council for an interim period up to 30 November 2019, and
  - b. The market has limited suppliers and a tender process for a partial service is unlikely to deliver an acceptable return to Council for this critical service.
- B. Authority be delegated to the Chief Executive Officer to enter into negotiations with the existing supplier for supply, maintenance and operation of bus shelters and associated advertising. If successful to execute all necessary documentation to give effect to this resolution.

**RESOLVED BY EXCEPTION**



## 9.7 PROPOSED REPLACEMENT OF D4 BULLDOZER TO SERVICE MANLY LAGOON

198/17 RESOLVED

**Cr Regan / Cr Harrison**

That:

- A. Council exercise its authority under Section 55 (3) of the *Local Government Act, 1993* and approve an alternative procurement process for the replacement of the existing Caterpillar D4 bulldozer located at Manly Lagoon as it believes a satisfactory result would not be achieved by inviting tenders. The proposed alternative procurement is based on the following “extenuating circumstances”:
  - a. Provision of a suitable second hand machine represents better value for money considering the environment in which the equipment is to be kept and used
  - b. The requirement to continue a critical service to Council and the community, and
  - c. The proposed solution has already been successfully implemented via the former Manly Council and a tender process would only result in increased expense to delivering a critical service.
- B. Authority be delegated to the Chief Executive Officer to source a replacement for the existing Caterpillar D4 bulldozer and if successful to execute all necessary documentation to give effect to this resolution.

**RESOLVED BY EXCEPTION**

## 9.8 INSTALLATION AND COMMISSIONING OF CHILLER AT MANLY TOWN HALL

199/17 RESOLVED

**Cr Regan / Cr Harrison**

That:

- A. Council exercise its authority under Section 55 (3) of the *Local Government Act, 1993* and approve an alternative procurement process for the installation and commissioning of a chiller at Manly Town Hall as it believes a satisfactory result would not be achieved by inviting open tenders. The proposed alternative procurement is based on the following “extenuating circumstances”:
  - a. There are a limited number of specialist suppliers with suitable experience and ability to carry out the installation and commissioning work required for this chiller, and therefore an open tender may not result in a suitable supplier being obtained.
- B. Authority be delegated to the Chief Executive Officer to enter into negotiations with Ice-Tech Air for the installation and commissioning of a chiller at Manly Town Hall and if successful to execute all necessary documentation to give effect to this resolution.

**RESOLVED BY EXCEPTION**

## 10.2 PLANNING PROPOSAL AT 323-327 WARRINGAH ROAD, FRENCHS FOREST

200/17 RESOLVED

**Cr Regan / Cr Harrison**

That Council reject the Planning Proposal lodged for 323-327 Warringah Road, Frenchs Forest and not submit it to the NSW Department of Planning and Environment for a Gateway Determination for the following reasons:

- A. The Proposal is inconsistent with strategic planning direction for Frenchs Forest established by A Plan for Growing Sydney, Draft Greater Sydney Region Plan and Revised Draft North District Plan.
- B. The Proposal is inconsistent with Council's *Northern Beaches Hospital Precinct Structure Plan*.
- C. The Planning Proposal has not demonstrated strategic merit or site-specific merit in line with the NSW Planning and Environment's *Planning Proposals: A guide to preparing planning proposals* (2016).
- D. The Planning Proposal is inconsistent with 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 development outcome because:
  - a. The Proposal will increase delays and congestion on the traffic and transport network and no traffic modelling has been undertaken to quantify the full extent of traffic impacts on the local and regional network. Further, Roads and Maritime Services have previously advised that any growth east of Wakehurst Parkway will not be supported (by Roads and Maritime Services).
  - b. The Proposal will compromise the existing strategic advantage of the Frenchs Forest Business Park and the future flexibility of surrounding businesses to respond to economic opportunities. In particular, innovative health and medical related commercial premises to support the Northern Beaches Hospital. This could also impact on the ability for Frenchs Forest to grow as a Strategic Centre and achieve the target of 12,000 to 13,000 jobs by 2036.
  - c. The subject site's location has the potential to affect the amenity of future residents and the surrounding locality. This includes safety concerns associated with the walkability of routes from the subject site to the Northern Beaches Hospital, low amenity due to the subject site's location away from public spaces and services, noise concerns and hours of operation of surrounding commercial and industrial uses and impacts to residents of the surrounding locality, particularly with traffic associated with the proposed use.

- F. The Proposal will set a precedent, increasing pressure to allow other sites in the B7 Business Park zone to be redeveloped for 'boarding houses' or other non-conforming residential uses, when more appropriate locations have been identified within Frenchs Forest. In addition, the Proposal could also set an unwanted precedent for planning proposals to be lodged which are inconsistent with Council's *Northern Beaches Hospital Precinct Structure Plan*. If this occurs, this will undermine the strategic intent and vision for Frenchs Forest. Ad hoc Planning Proposals undermine the orderly planning process and Council's ability to deliver the required infrastructure.
- 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, infrastructure upgrades, economic, social and environmental impacts.

**RESOLVED BY EXCEPTION**

**10.7 COMMENTS TO SYDNEY NORTH PLANNING PANEL ON PLANNING PROPOSAL PP0003/16 AT 2 MACPHERSON STREET, WARRIEWOOD**

201/17 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council note the response provided to the Sydney North Planning Panel on Planning Proposal PP0003/16 at 2 Macpherson Street, Warriewood.

**RESOLVED BY EXCEPTION**

## 6.0 MAYORAL MINUTES

### 6.1 MAYORAL MINUTE NO 07/2017 - QUEENSCLIFF COMMUNITY HEALTH CENTRE

202/17 **RESOLVED**

***Cr Regan***

That Council:

- A. Writes to the Minister for Health and Health NSW seeking the transfer of the surplus land and facilities known as the Queenscliff Community Health Centre to the Northern Beaches Council to be retained for community use.
- B. Undertake a thorough business analysis of the future use of the facility/site and report back to Council before a final decision on the transfer is made.

#### **VOTING**

**FOR:** Unanimous

***CARRIED***

*NOTE 1: The Chair accepted that a statement from Cr De Luca be recorded in the Council Meeting Minutes in regard to the passing of Mr Les Wiltshire OAM.*

*NOTE 2:*

- A. Council notes last Friday a funeral was held for the former Warringah Council Australian of the Year, Mr Les Wiltshire OAM.*
- B. Mr Wiltshire's service to the community commenced when he was 15 years old and was elected Assistant Secretary of the South Curl Curl Surf Life Saving Club, since that time and over the next seven decades he would serve:*
- Assistant Treasurer, South Curl Curl Surf Life Saving Club.*
  - Founding Member of the Manly Vale Community Centre, Kindergarten and Church.*
  - Foundation Auditor of the Manly Warringah Netball Association in 1965 and a sub-committee member for many years serving on the Canteen, Judiciary and Carnival Sub-Committees.*
  - Office Bearer of Queenscliff Netball Club and Patron.*
  - Foundation Member of the Curl Curl Sports Centre Management Committee and member for many years.*
  - Member of the Curl Curl Youth and Community Centre Management Committee and Treasurer for many years.*
  - Auditor for Queenscliff Ladies' Amateur Swimming Club and numerous other community and sporting organisations over many years.*
  - Office Bearer of Fairlight Manly Scouts.*
- C. In honour of Mr Wiltshire's Outstanding Service to the community, he was awarded the Medal of the Order of Australia, named Warringah Council's Australian of the Year, awarded the Manly Warringah Netball Association's Outstanding Service Award and Life Membership of Queenscliff Netball Club.*
- D. Council acknowledges and commends the outstanding service over seven decades of Mr Les Wiltshire OAM to the Northern Beaches community and extends its sympathy to the Wiltshire Family and the many community organisations on their loss. We have lost a fine gentleman who was selfless, caring and devoted. He will be severely missed. He is now with his wonderful wife Vera.*

## 7.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

### 7.1 DRAFT ANNUAL FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 JUNE 2017

203/17 **RESOLVED**

***Cr Regan / Cr Grattan***

That:

- A. The Annual Financial Statements for the period ended 30 June 2017 be adopted by Council.
- B. The Mayor, nominated Councillor (Councillor Grattan), Chief Executive Officer and Chief Financial Officer be authorised to sign the necessary Financial Statements.
- C. The Annual Financial Statements for the period ended 30 June 2017 be referred to the Council's Auditor for audit.
- D. Council hereby delegate to the Chief Executive Officer authority, upon receipt of the Auditor's report of the Council, to:
  - a) Forward a copy to the Office of Local Government.
  - b) Arrange for the public notice of the Council Meeting for presentation to the public, in the required format be placed in the Manly Daily.
  - c) Arrange for the Council's audited financial reports and a copy of the Auditor's reports to be made available for public inspection on Council's web page and in printed format at Council's Customer Service Centres and Libraries.
  - d) List the audited financial reports and Auditor's Reports on the Agenda for the next available Council Meeting for presentation to the public, which allows for the seven (7) days public notice requirement.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 8.0 CUSTOMER & CORPORATE DIVISION REPORTS

### 8.1 CONFIRMED MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD 5 SEPTEMBER 2017

204/17 **RESOLVED**

**Cr Regan / Cr Walton**

That:

- A. Council note the confirmed minutes of the Audit, Risk and Improvement Committee Meeting held on 5 September 2017.
- B. Further detail be requested in regard to the nine (9) agenda items in order for the Councillors and the public to be informed of the topics that were addressed at the meeting.

#### VOTING

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

**AGAINST:** Cr Amon

**CARRIED**

### PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS TO MOVE INTO CLOSED SESSION

205/17 **RESOLVED**

**Cr Regan / Cr Bingham**

That Council:

- a) Change the order of business to deal with items 8.5, 9.5 and 9.9 in Closed Session at the end of the meeting.
- b) Resolve into Closed Session in accordance with Section 10A(2)(c) and (d) of the *Local Government Act, 1993* the public and press be excluded from the meeting in order to consider:

**Item: 8.5 Request for Event Application Support**

- (d) Commercial information of a confidential nature that would, if disclosed:-
  - i. prejudice the commercial position of the person who supplied it; or

**Item: 9.5 Domestic Waste Collection Services Tender**

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

**Item 9.9: Car Parking Management**

- (d) Commercial information of a confidential nature that would, if disclosed:-
  - ii. confer a commercial advantage on a competitor of the Council.

#### VOTING

**FOR:** Unanimous

**CARRIED**

## PROCEDURAL MOTION – MEETING ADJOURNMENT

*NOTE: The Council Meeting adjourned at 8.02pm and recommenced at 8.12pm.*

206/17 **RESOLVED**

***Cr Regan / Cr Bingham***

That the Council Meeting be adjourned for ten (10) minutes and is to reconvene at 8.12pm.

### VOTING

**FOR:** Unanimous

**CARRIED**

## 9.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

### 9.1 ADOPTION OF EAST ESPLANADE LANDSCAPE PLAN

207/17 **RESOLVED**

***Cr Sprott / Cr Regan***

That Council:

- A. Adopt the East Esplanade Landscape Plan.
- B. Proceed with implementing high priority action from the plan in February 2018.

### VOTING

**FOR:** Unanimous

**CARRIED**

### 9.4 NEWPORT SURF LIFE SAVING CLUB, CYSTIC FIBROSIS COMMUNITY CARE - BAREFOOT BALL, NEWPORT BEACH, 24 MARCH 2018

208/17 **RESOLVED**

***Cr Ferguson / Cr Regan***

That Council approve the erection of a 35m x 15m marquee on Newport Beach for the Newport Surf Life Saving Club and Cystic Fibrosis Community Care's Barefoot Ball charity event to be held Saturday 24 March 2018.

### VOTING

**FOR:** Unanimous

**CARRIED**



## 10.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

### 10.1 PLANNING PROPOSAL PP0002/16 – 9, 11, 12 & 13 FERN CREEK ROAD, WARRIEWOOD

209/17 **RESOLVED**

**Cr De Luca / Cr Heins**

That Council:

- A. Adopt the ten (10) recommendations outlined in the Final Independent Assessment Report prepared by MBWA Consulting.
- B. Note the report prepared by the probity consultant, Procure Group.
- C. Notify those parties that made a submission during the exhibition period regarding Council's decision.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

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

210/17 **RESOLVED**

**Cr Harrison / Cr Sprott**

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.

#### **VOTING**

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

**AGAINST:** Cr Walton

**CARRIED**

## 10.4 PLANNING PROPOSAL RALSTON AVENUE AND DRAFT VOLUNTARY PLANNING AGREEMENT

211/17 **RESOLVED**

**Cr Harrison / Cr Heins**

That Council:

- A. Reject the Planning Proposal lodged for Lot 1 in DP 1139826, Ralston Avenue Belrose, and recommend the Department of Planning and Environment do not make a Local Environment Plan to enable the development for the following reasons:
- a. It has no strategic merit due to inconsistencies with directions, aims and priorities to protect the environment and increase resilience to natural hazards in A Plan for Growing Sydney and the Greater Sydney Commission's Revised draft North District Plan and Draft Greater Sydney Region Plan (October 2017).
  - b. It has no site-specific merit due to impacts on biodiversity and threatened species, the adjoining National Park, bushfire risk, the proximity of the Sydney East Substation and financial arrangements for infrastructure provision.
  - c. It is inconsistent with the specific aims of State Environmental Planning Policies (SEPP) No 19 - Bushland in Urban Areas and Council is not satisfied that the proposal will result in significant environmental, economic or social benefits that outweigh the value of the bushland.
  - d. It is inconsistent with SEPP (Infrastructure) 2007 as it has not addressed likely impacts on an electricity transmission network and associated concerns of an electricity supply authority (i.e. TransGrid) for development immediately adjacent to an electricity substation.
  - e. It is inconsistent with s117 Ministerial Direction: 2.1 Environmental Protection Zones, as it would change current planning standards which protect the environment by restricting residential development to 1 dwelling per 20 hectares.
  - f. It is inconsistent with s117 Ministerial Direction: 6.3 Site Specific Provisions, as site specific provisions may be required to prohibit certain uses from the proposed R2 Low Density Residential Zone and E3 Environmental Management Zones.
  - g. It is inconsistent with s117 Ministerial Direction: 7.1 Implementation of A Plan for Growing Sydney, by undermining the achievement of its planning principles; directions; and priorities. Especially those that encourage a risk-based approach to strategic planning through halting development in high risk areas.
  - h. The Rural Fire Service do not support the proposal and find it inconsistent with S117 Direction 4.4 Planning for Bushfire Protection, as it would place inappropriate development in a hazardous area and would not achieve the primary objectives to protect life, property and the environment and encourage the sound management of bush fire prone areas.
  - i. The proposal fails to address issues associated with access to the site and evacuation from the site in the event of a bushfire, including the risk associated with arcing to ground from the 330kva power lines and disruption of planned evacuation routes.

- j. It is inconsistent with local provisions, policies and plans which aim to protect the environment, including the Warringah Local Environmental Plan 2000 (WLEP 2000); Warringah Council Policy ENVPL 005 Bushland Policy; Warringah Council Policy Protection of Waterways and Riparian Lands and Warringah Council Policy Water Management Policy and the Draft Community Strategic Plan SHAPE 2028.
  - k. The site has not been identified as having future development potential in either Stage 1 or 2 of the Oxford Falls Belrose North Strategic Review (Strategic Review).
  - l. The Office of Environmental Heritage and National Parks and Wildlife Service do not support the proposal due to impacts on biodiversity and threatened species and the adjoining National Park.
  - m. It is unlikely to comply with Ausgrid's conditions of consent relating to bushfire evacuation.
  - n. It would result in unacceptable risks to life, property and the environment which would outweigh any potential benefits of the proposed development.
  - o. The majority of public submissions do not support the proposal.
- B. Reject the draft Voluntary Planning Agreement (VPA) that accompanies the above Planning Proposal, for the following reasons:
- a. The draft VPA does not deliver a demonstrable public benefit.
  - b. The Biodiversity Certification agreement cannot be included as a public benefit.
  - c. The community facility contribution is insufficient to support the additional increase in population.
  - d. There is insufficient detail on the proposed Aboriginal services and MLALC land management proposals that could be funded outside a VPA process.
  - e. Most of the proposed public benefits would benefit the future occupants rather than the wider community and could alternatively be required as conditions of future consent.
  - f. The proposed park is in an unsuitable location and would place an unreasonable maintenance burden to Council due to bushfire management requirements.
  - g. The National Parks and Wildlife Service (NPWS) does not support the proposed increased access to Garigal National Park as consultation has not occurred and the associated impacts have not been addressed.
  - h. Council has received many submissions from the community who do not consider the proposed public benefits adequately compensate for the loss of bushland.

**VOTING**

**FOR:** Unanimous

**CARRIED**

## 10.5 DRAFT AMENDMENTS TO WARRINGAH DEVELOPMENT CONTROL PLAN 2011 - DEE WHY TOWN CENTRE

212/17 **RESOLVED**

**Cr Regan / Cr Sprott**

That Council endorse the exhibition of draft amendments to the *Warringah Development Control Plan 2011*, dated January 2017 for a minimum period of 28 days.

### VOTING

**FOR:** Unanimous

**CARRIED**

## 10.6 REVISED DRAFT NORTH DISTRICT PLAN

213/17 **RESOLVED**

**Cr Regan / Cr Amon**

That Council:

- A. Identify the need for the open green community space in and around the Frenchs Forest Hospital as a priority.
- B. Forward the submission to the Greater Sydney Commission on the Revised Draft North District Plan with the following additions:
  - The State Government recognise the need and ensure reliable road access and high frequency public transport from Palm Beach to the new hospital at Frenchs Forest is provided via the Wakehurst Parkway. This will include addressing flooding issues whilst protecting the natural bushland context.
  - Insert a new action to “Protect open space and surviving tree canopy to provide relief from high density surrounds and play space for children and adults, regenerating bushland wherever possible”.
  - Add the following principle to Action 43: “protect heritage of Mona Vale and its low-rise, suburban character”.
  - N15 Protecting the Health and Enjoyment of Sydney Harbour and the Districts Waterways Edit to statement to read: “Enhancing community access to the coast and waterways within the District, prioritising the foreshores of Sydney Harbour and Pittwater”.
  - Provide more specific wording to reduce degradation of waterways by: improving water quality by eliminating pollution, reducing weed infestation and exotic fish and other introduced pests, and encourage tree planting to reduce erosion and siltation.
  - Enhance the actions in relation to N16 Sustainability by:
    - (a) preserving and enhancing bushland and remnant vegetation, including large pockets, bushland corridors and other reserves, remnant vegetation and urban canopies.

(b) auditing Crown Land and other forest in region to identify all parcels of bushland and remnant vegetation in need of protection.

- Enhance the actions in relation to N19 by including an action to undertaken an audit of the existing tree canopy in urban areas to protect existing trees.
- Enhance the actions in relation to N22 by including the following actions:
  - (a) Development of strategy to deal with inundation and retreat from low lying areas.
  - (b) Development of regulations to increase efficiency of buildings and ability to withstand flooding and bushfires in areas at risk.
- Include in response to Action N3 Open Space, Sport and Recreation:
  - (a) This agreement will not lead to school space being used as substitute for other public green space in the council area. In reference to the agreement between Northern Beaches Council and the Department of Education and Communities for opportunities for shared use.

**VOTING**

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

**AGAINST:** Cr McTaggart

**CARRIED**

## 11.0 NOTICES OF MOTION

### 11.1 NOTICE OF MOTION NO 09/2017 - COMMUNITY CAMPAIGN - END ALZHEIMER'S PROJECT

*NOTE: This item was withdrawn by Councillor Bingham.*

### 11.2 NOTICE OF MOTION NO 12/2017 - INTRODUCTION OF "ECO-SCHOOL" GRANTS

214/17 **RESOLVED**

***Cr Harrison / Cr Ferguson***

That Council:

- A. Introduce a category of "Eco-Schools" as part of the annual Community & Cultural Small Grants Program.
- B. Develop and distribute information for local schools summarising Council's environmental priorities to give ideas to schools and encourage stronger Council-school partnerships.
- C. Brief Councillors on the criteria for Eco-Schools funding before the Community & Cultural Small Grants Program opens.

#### **VOTING**

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

**AGAINST:** Crs Amon and Daley

**CARRIED**

### 11.3 NOTICE OF MOTION NO 15/2017 - SPORTING AND ENTERTAINMENT EVENTS AT BROOKVALE OVAL

215/17 **RESOLVED**

***Cr Amon / Cr Sprott***

That Council staff prepare a brief written report to Councillors, with that report to be provided by 14 February 2018, as to:

- A. How Council may secure sporting and entertainment events to be hosted at Brookvale Oval during the rebuild of Allianz Stadium.
- B. Whether hosting such events is feasible and if not, then why not.
- C. The benefits of hosting such events.
- D. Including any other pertinent matters.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

**11.4 NOTICE OF MOTION NO 16/2017 - RETURN AND EARN CONTAINER DEPOSIT SCHEME**

216/17 **RESOLVED**

***Cr Bingham / Cr Warren***

That Council with the introduction by the Government of the Return and Earn Container Deposit Scheme:

- A. Investigate the feasibility of offering bulk collection points at appropriate locations in the area, where larger quantities of used containers can be deposited.
- B. Work with the EPA to:
  - a. Find suitable locations for Reverse Vending Machines within the Northern Beaches.
  - b. Undertake an education campaign on how the scheme works, and where containers can be deposited.

**VOTING**

**FOR:** Unanimous

***CARRIED***

## PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

*NOTE: At 9.02pm the Open Session of Council was adjourned and at 9.03pm Council resolved into Closed Session with the press and public excluded in accordance with Section 10A(2)(c) and (d) of the Local Government Act, 1993 to consider :*

**Item: 8.5 Request for Event Application Support**

- (d) Commercial information of a confidential nature that would, if disclosed:-  
i. prejudice the commercial position of the person who supplied it; or

**Item: 9.5 Domestic Waste Collection Services Tender**

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

**Item 9.9: Car Parking Management**

- (d) Commercial information of a confidential nature that would, if disclosed:-  
ii. confer a commercial advantage on a competitor of the Council.

217/17 **RESOLVED**

**Cr Regan / Cr Ferguson**

That the Open Session of Council be adjourned and the Closed Session of Council now commence.

### VOTING

**FOR:** Unanimous

**CARRIED**

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## CLOSED SESSION

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## PROCEDURAL MOTION – MOVE INTO OPEN SESSION OF COUNCIL

*NOTE: The Closed Session of Council concluded at 10.18pm and the Open Session of Council recommenced at 10.19pm.*

223/17 **RESOLVED**

**Cr Amon / Cr Harrison**

That the Closed Session of Council be concluded and the Open Session of Council recommence.

### VOTING

**FOR:** Unanimous

**CARRIED**



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## REPORT OF CLOSED SESSION – 19 DECEMBER 2017

Report of Closed Session - At 9.03pm the Council resolved into Closed Session of Council, with the press and public excluded to consider the reports for items 8.5, 9.5 and 9.9. Upon resumption into Open Session of Council the Chief Executive Officer reported that the following recommendations were formulated in Closed Session of Council.

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### 8.5 REQUEST FOR EVENT APPLICATION SUPPORT

219/17 **RESOLVED**

**Cr Amon / Cr Bingham**

That Council adopt only items B and C in the Confidential Attachment to the report as items A and B.

#### VOTING

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

**AGAINST:** Crs Daley and Regan

**CARRIED**

### 9.5 DOMESTIC WASTE COLLECTION SERVICES TENDER

220/17 **RESOLVED**

**Cr Regan / Cr Ferguson**

That Council :

- A. Invites tenders for the Provision of a Domestic Waste and Recycling Collection Services by public notice and in accordance with the *Local Government Act, 1993*.
- B. Obtains pricing for a twice yearly scheduled General Waste Collections Service along with an On Call Collection Service.

#### VOTING

**FOR:** Unanimous

**CARRIED**

## 9.9 CAR PARK MANAGEMENT

### 221/17 RESOLVED

#### ***Cr Regan / Cr Bingham***

That Council adopt the recommendation contained in the Confidential Attachment to the report.

#### **VOTING**

**FOR:** Crs Bingham, Daley, Ferguson, Philpott, Regan, Sprott, Walton and White

**AGAINST:** Crs Amon, De Luca, , Grattan, Harrison, Heins, McTaggart and Warren

**CARRIED**

## SUPPLEMENTARY MOTION

### 222/17 RESOLVED

#### ***Cr Amon / Cr Grattan***

That Council notes Councillors have serious concerns about Council exercising its authority under section 55(3) of the *Local Government Act , 1993* given the context of this matter.

#### **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 09/2017 - COUNCIL RANGERS UNIFORMS

### 12.2 QUESTION ON NOTICE NO 10/2017 - ALLEGED POLLUTION FROM KIMBRIKI TIP IN THE CATCHMENT WATERS

## 13.0 RESPONSES TO QUESTIONS ON NOTICE

### 13.1 RESPONSE TO QUESTION ON NOTICE NO 05/2017 - COUNCIL EXPENDITURE ON CONFERENCES / RETREATS STAFF AND COUNCILLORS

The total amount expended is \$19,396 (inc GST).

### 13.2 RESPONSE TO QUESTION ON NOTICE NO 06/2017 - EXPENDITURE ON STAFF REDUNDANCIES

\$5,277,995.91.

### 13.3 RESPONSE TO QUESTION ON NOTICE NO 07/2017 - NORTHERN BEACHES PARKING STICKERS ON INTERNET SITES

Yes. Council may wish to consider alternatives to the current approach for example digital parking solutions.

*The meeting concluded at 10.28pm.*

This is the final page of the minutes comprising 27 pages  
numbered 1 to 27 of the Ordinary Council Meeting  
held on Tuesday 19 December 2017 and confirmed on Tuesday 27 February 2018

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Mayor

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Chief Executive Officer