



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 26 FEBRUARY 2019

Minutes of an Ordinary Meeting of Council
held on Tuesday 26 February 2019
at the Civic Centre, Dee Why
Commencing at 6:00pm

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Sue Heins (Deputy Mayor)
Rory Amon
Candy Bingham
Pat Daley OAM (*arrived at 6:11pm*)
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Roslyn Harrison
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren (*arrived at 6:14pm*)
Ian White

Officers

Ray Brownlee PSM	Chief Executive Officer
Mark Jones	Acting General Manager Customer and Corporate
Todd Dickinson	Acting General Manager Environment and Infrastructure
David Kerr	General Manager Planning Place and Community
Eskil Julliard	General Counsel
Sonya Gallery	Executive Manager Governance and Risk
Kath Mackenzie	Executive Manager Community Engagement and Communications
Kylie Walshe	Executive Manager Community, Arts and Culture
Craig Sawyer	Executive Manager Transport and Civil Infrastructure
Steven Lawler	Executive Manager Parks and Recreation
Campbell Pfeiffer	Executive Manager Property
Andrew Pigott	Executive Manager Strategic Place Planning
Mark Beharrell	Business Performance Executive Environment and Infrastructure
Sherryn McPherson	Acting Manager Governance
Ximena Von Oven	Acting Coordinator Governance
Dinesh Mishra	Information Management Technology Officer
Sylwia Stafford	Information Management Technology Officer

Notes

The meeting commenced at 6:00pm, adjourned at 8:08pm, resumed at 8:20pm, moved into closed session at 10:12pm, resumed in open session at 10:27pm and concluded at 11:36pm.

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

Nil

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2018

001/19 **RESOLVED**

Cr Bingham / Cr Heins

That the Minutes of the Ordinary Council Meeting held 18 December 2018, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

AGAINST: Crs De Luca and Sprott

ABSENT: Crs Daley and Warren

CARRIED

4.0 DISCLOSURES OF INTEREST

4.1 Councillor Amon declared a less than significant non-pecuniary interest in relation to Item 9.6 - Community Grants and Partnership Programs – Sponsorships. Councillor Amon chose to take part in the discussion and voting on this item. The reason provided by Councillor Amon was:

“I am a member of the Dee Why RSL.”

4.2 Councillor De Luca declared a less than significant non-pecuniary interest in relation to Item 9.6 - Community Grants and Partnership Program - Sponsorship. Councillor De Luca chose to take part in the discussion and voting on this item. The reason provided by Councillor De Luca was:

“Member of various services clubs.”

- 4.3 Councillor Ferguson declared a less than significant non-pecuniary interest in relation to Item 9.6 - Community Grants and Partnership Program – Sponsorship. Councillor Ferguson chose to take part in the discussion and voting on this item. The reason provided by Councillor Ferguson was:

“Member of Dee Why RSL.”

- 4.4 Councillor Harrison declared a less than significant non-pecuniary interest in relation to Item 9.6 - Community Grants and Partnership Program – Sponsorship. Councillor Harrison chose to take part in the discussion and voting on this item. The reason provided by Councillor Harrison was:

“Am a member of Dee Why RSL.”

- 4.5 Councillor Heins declared a less than significant non-pecuniary interest in relation to Item 9.6 - Community Grants and Partnership Program – Sponsorship. Councillor Heins chose to take part in the discussion and voting on this item. The reason provided by Councillor Heins was:

“Am a member of the Dee Why RSL.”

- 4.6 Councillor Regan declared a less than significant non-pecuniary interest in relation to Item 9.6 – Community Grants and Partnership Program - Sponsorship. Councillor Regan chose to take part in the discussion and voting on this item. The reason provided by Councillor Regan was:

“I am a member of the Dee Why RSL and a player on its associated cricket team.”

- 4.7 Councillor Sprott declared a less than significant non-pecuniary interest in relation to Item 9.6 Community Grants and Partnership Programs – Sponsorships. Councillor Sprott chose to take part in the discussion and voting on this item. The reason provided by Councillor Sprott was:

“Member of multiple clubs / Diggers / Forestville / Balgowlah RSL’s.”

- 4.8 Councillor Walton declared a less than significant non-pecuniary interest in relation to Item 9.6 – Community Grants and Partnership Program – Sponsorship. Councillor Walton chose to take part in the discussion and voting on this item. The reason provided by Councillor Walton was:

“Dee Why RSL Club.”

- 4.9 Councillor Warren declared a less than significant non-pecuniary interest in relation to Item 9.6 - Community Grants and Partnership Program – Sponsorship. Councillor Warren chose to take part in the discussion and voting on this item. The reason provided by Councillor Warren was:

“Member of Dee Why RSL.”

- 4.10 Councillor White declared a less than significant non-pecuniary interest in relation to Item 9.6 - Community Grants and Partnership Program – Sponsorship. Councillor White chose to take part in the discussion and voting on this item. The reason provided by Councillor White was:

“I am a social member of Dee Why RSL.”

- 4.11 Councillor Regan declared a less than significant non-pecuniary interest in relation to Item 10.1 – Long Reef Surf Club – Outcomes from Community Engagement. Councillor Regan chose to take part in the discussion and voting on this item. The reason provided by Councillor Regan was:

“I have a friend who has an association with the Long Reef Surf Life Saving Club as a general member.”

- 4.12 Councillor Sprott declared a significant non-pecuniary interest in relation to Item 10.6 - Draft Outdoor Dining and Foothpath Merchandise Policy. Councillor Sprott chose to take no part in the discussion or voting on this item. The reason provided by Councillor Sprott was:

“My partner owns a café that has outdoor dining.”

- 4.13 Councillor Grattan declared a less than significant non-pecuniary interest in relation to Item 10.16 - Eco Schools Grants Program. Councillor Grattan chose to take part in the discussion and voting on this item. The reason provided by Councillor Grattan was:

“My child is at Balgowlah Heights Public School.”

- 4.14 Councillor Regan declared a less than significant non-pecuniary interest in relation to Item 11.8 – Dee Why Town Centre Development Control Plan. Councillor Regan chose to take part in the discussion and voting on this item. The reason provided by Councillor Regan was:

“My wife and I own a property in Dee Why.”

- 4.15 Councillor De Luca declared a less than significant non-pecuniary interest in relation to Item 12.1 – Notice of Motion 01/2019 – Random Drug Testing of Councillors and Council Staff. Councillor De Luca chose to take part in the discussion and voting on this item. The reason provided by Councillor De Luca was:

“Mr Tony Wood who is listed to address on this item. I served on the National Peoples’ Council on Drug and Alcohol Prevention in the 1990’s for several years, as well as attended the Australian Cities against Drugs Conference and the NSW Drug Summit in the NSW Parliament he was present.”

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 Daley joined the meeting at 6:11pm.

NOTE 3: Councillor Warren joined the meeting at 6:14pm.

PUBLIC FORUM SPEAKERS:

5.1 David Murray addressed Council in regard to B-Line parking at Mona Vale.

5.2 David Parsons addressed Council in regard to transport within the Spit Bridge area.

PUBLIC ADDRESS SPEAKERS:

5.3 **Item 10.1 – Long Reef Surf Life Saving Club – Outcomes from Community Engagement**

Michael Gleeson and Kevin Sinnott addressed Council speaking against this item and Steven Pearce AFSM and Peter Kinsey addressed Council speaking in support of this item.

5.4 **Item 10.2 – Mona Vale Surf Life Saving Club Building Project**

Brendan Donohoe addressed Council speaking against this item.

5.5 **Item 10.8 – Crown Land Reserve Trust Land Categories**

Ann Sharp and Ann Collins addressed Council speaking against this item.

5.6 **Item 11.3 – Creative Art Space North – Site Location**

Peter Mayman (on behalf of Avalon Preservation Association) and Sue Boaden addressed Council speaking against this item and Marcia Rackham and Penny Polkinghorne addressed Council speaking in support of this item.

5.7 **Item 11.6 – Draft Community Development and Services Policy**

Adele Heasman addressed Council speaking in support of this item.

5.8 **Item 11.11 – Planning Proposal for 28 Lockwood Avenue Belrose - Withdrawal**

Stuart Harding and Matt Sonter addressed Council speaking against this item.

5.9 **Item 12.1 – Notice of Motion 01/2019 – Random Drug Testing of Councillors and Council Staff**

Tony Wood addressed Council speaking in support of this item.

5.10 **Item 12.3 – Notice of Motion 03/2019 – Urban Night Dark Sky Place**

Marnie Ogg addressed Council speaking in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

002/19 RESOLVED

Cr Ferguson / Cr Grattan

That items 8.1, 8.2, 8.3, 8.4, 9.1, 9.2, 9.3, 9.4, 9.6, 10.3, 10.4, 10.5, 10.9, 10.12, 10.15, 10.16, 11.2, 11.5, 11.7, 11.10, 11.12, 11.13, 11.15 and 15.1 are dealt with by exception with the recommendations of the Chief Executive Officer / General Managers being adopted.

VOTING

FOR: Unanimous

CARRIED

8.1 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2018

003/19 RESOLVED

Cr Ferguson / Cr Grattan

That:

- A. Council note the Budget Review Statement for the six months ended 31 December 2018.
- B. Council approve the following changes to the Current Forecast in the December 2018 Budget Review Statement:
 - a. An increase in the forecast Surplus from Continuing Operations which includes Capital Grants and Contributions of \$7,235,077 to \$27,636,771.
 - b. A decrease in capital expenditure by \$1,588,780 to \$118,736,243.

RESOLVED BY EXCEPTION

8.2 STRONGER COMMUNITIES FUND AND NEW COUNCIL IMPLEMENTATION FUND - QUARTERLY REPORT DECEMBER 2018

004/19 RESOLVED

Cr Ferguson / Cr Grattan

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

RESOLVED BY EXCEPTION

8.3 MONTHLY INVESTMENT REPORT - DECEMBER 2018

005/19 RESOLVED

Cr Ferguson / Cr Grattan

That Council receives and notes the Investment Report as at 31 December 2018, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

8.4 MONTHLY INVESTMENT REPORT - JANUARY 2019

006/19 RESOLVED

Cr Ferguson / Cr Grattan

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

RESOLVED BY EXCEPTION

9.1 DELEGATED AUTHORITY TO THE MAYOR DURING THE 2018-2019 RECESS PERIOD

007/19 RESOLVED

Cr Ferguson / Cr Grattan

That Council note the item dealt with by the Mayor during the 19 December 2018 to 5 February 2019 recess period and the following decision made under delegated authority in relation to the Chief Executive Officer Performance Review Panel:

“That Council adopt the amended composition of the Chief Executive Officer Performance Review Panel.”

RESOLVED BY EXCEPTION

9.2 CODE OF MEETING PRACTICE - DRAFT FOR PUBLIC EXHIBITION

008/19 RESOLVED

Cr Ferguson / Cr Grattan

That:

- A. The Draft Northern Beaches Council Code of Meeting Practice be placed on public exhibition for a period of 42 days.
- B. A report be brought back to Council at the end of the exhibition period addressing any submissions received.

RESOLVED BY EXCEPTION

9.3 COUNCILLOR NOMINATION AND APPOINTMENT TO STRATEGIC REFERENCE GROUPS

009/19 RESOLVED

Cr Ferguson / Cr Grattan

That:

- A. Councillor Spratt be appointed to the Economic and Smart Communities Strategic Reference Group.
- B. Councillor Ferguson be appointed to the Partnership and Participation Strategic Reference Group.

RESOLVED BY EXCEPTION

9.4 CONFIRMED MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 13 NOVEMBER 2018

010/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee Meeting held on 13 November 2018.

RESOLVED BY EXCEPTION

9.6 COMMUNITY GRANTS AND PARTNERSHIP PROGRAM - SPONSORSHIP

NOTE: Councillors Amon, De Luca, Ferguson, Harrison, Heins, Regan, Sprott, Walton, Warren and White declared a less than significant non-pecuniary interest in this item.

011/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council approves Funding and fee waivers under the 2018/19 Community Events and Partnership Program as recommended by the assessment panel.

RESOLVED BY EXCEPTION

10.3 NANBARREE RESERVE, BALGOWLAH HEIGHTS - PROPOSED EASEMENT TO DRAIN WATER IN FAVOUR OF 11 HOGAN STREET, BALGOWLAH HEIGHTS

012/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

- A. Council, subject to Item C of this recommendation, authorise a 1 metre wide Easement to Drain Water and associated Positive Covenant, by underground pipe within Lot 58 DP 31731 Nanbarree Reserve Balgowlah Heights in favour of 11 Hogan Street, Balgowlah Heights (Lot 30 DP 36454) for an amount in accordance with Council's adopted Fees and Charges.
- B. Council delegate authority to the Chief Executive Officer to execute the necessary documentation in order to give effect to this resolution.
- C. All costs associated with the granting of the proposed easement and associated Positive Covenant as referred to in item A of this recommendation, including but not limited to, Council's legal costs, GST if applicable, document registration and reinstatement of land post authorised drainage works, be funded by the applicant.

RESOLVED BY EXCEPTION

10.4 NOMINATION OF NATIVE TITLE MANAGER AS REQUIRED UNDER SECTION 8.8 OF THE CROWN LAND MANAGEMENT ACT 2016

013/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

- A. Council give notice to the Minister for Lands and Forestry of the name and contact details of any person the Council has engaged or employed as a Native Title Manager, as required under Section 8.8 of the Crown Land Management Act 2016.
- B. Council provide such notices as required by the Crown Land Management Act 2016 in relation to its engaged or employed Native Title Managers.
- C. Council authorise the Chief Executive Officer to execute any necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

10.5 ALTERNATIVE PROCUREMENT – EXTEND AVALON GOLF COURSE MANAGEMENT AGREEMENT

014/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

- A. Council exercise its authority under Section 55 (3) (i) of the Local Government Act 1993 and approve exemption from tendering for the management of Avalon Golf Course, for an interim period of up to 12 months based on the following extenuating circumstances:
 - a. A tender process was not undertaken prior to the expiry of the current contract as potential alternative uses of the site were being investigated that would have changed the ongoing use of the site.
- B. Authority be delegated to the Chief Executive Officer to negotiate and extend the Management Agreement with Teed Up Management Pty Ltd for 12 months for the management of Avalon Golf Course to allow for the completion of a public tender process and to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

10.9 ALTERNATIVE PROCUREMENT – RESTORATIONS, SECURITY SERVICES, TRADE SERVICES (PLUMBING AND ELECTRICAL) AND SPECIALIST MARINE MAINTENANCE SERVICES

015/19 RESOLVED

Cr Ferguson / Cr Grattan

That:

- A. Council exercise its authority under Section 55 (3) of the *Local Government Act 1993* and approve an alternative procurement process for Restorations, Security Services, Plumbing and Electrical Services for an interim period to 30 September 2019, to allow time for the development of the appropriate panel contracts. A satisfactory result would not be achieved by inviting tenders based on the following “*extenuating circumstances*”:
- a. A range of works and services have been identified for which appropriate panel contracts are not currently in place and where the aggregated expenditure across the organisation is such that a tender process is required to be run in accordance with the Act.
 - b. It will take up to six months to complete the tender process for each panel. Council has a range of complex requirements which make it ineffective to transition to new providers for this interim period of time prior to the new contracts commencing.
- B. Council exercise its authority under Section 55 (3) of the *Local Government Act 1993* and approve an alternative procurement process for Specialist Marine Maintenance Services for a period of up to three years to 26 February 2022, to enable the completion of the tidal pool asset restoration program. A satisfactory result would not be achieved by inviting tenders based on “*the unavailability of competitive tenders*”:
- a. Rachel and Carl Fallon Pty Ltd (trading as Sea Dragon) are the only contractor in Sydney that specialises in the maintenance of tidal pools and translocation of sea horses and other related fish species. Engagement of a specialist contractor is critical for Council to manage its environmental risks and ensure preservation of the endangered White’s Seahorse populations.
- C. Authority be delegated to the Chief Executive Officer to enter into negotiations with Rachael & Carl Fallon for Specialist Marine Maintenance Services, and if successful to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

10.12 ENDORSEMENT OF LICENCE WITH PROPERTY NSW OVER BARE CREEK BIKE PARK

016/19 RESOLVED

Cr Ferguson / Cr Grattan

That:

- A. Council enter into an agreement with Property NSW to maintain and operate the Bike Park at Bare Creek Landfill site, Crozier Road, Belrose subject to Council’s satisfaction with managing the issues set out in the Governance and Risk section of this report.
- B. Council delegate authority to the Chief Executive Officer to do all that is necessary to enter into an appropriate agreement with Property NSW including execution of the agreement.

RESOLVED BY EXCEPTION

10.15 REQUEST FOR FUNDING FOR DEE WHY BEACH WAR MEMORIAL RENOVATIONS

017/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

- A. Council provide \$12,000 funding to the Dee Why RSL Sub-branch for the renovation of the Dee Why Beach Memorial.
- B. Council provide a plaque recognising Council's contribution to the project.

RESOLVED BY EXCEPTION

10.16 ECO SCHOOLS GRANTS PROGRAM

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

NOTE 2: Councillors Harrison and Philpott expressed their thanks to Council staff for their efforts in relation to the Eco Schools Grants Program.

018/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That funding under the 2018/19 Eco Schools Grants Program be approved and distributed to schools as outlined in this report.

RESOLVED BY EXCEPTION

11.2 ALTERNATIVE PROCUREMENT – GLEN STREET THEATRE

NOTE: Councillor Philpott expressed thanks to Council staff for their efforts in relation to the alternative procurement process for Glen Street Theatre.

019/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council exercise its authority under Section 55 (3) of the *Local Government Act 1993* and approve an alternative procurement process for purchase of theatrical programs and activities for Glen Street Theatre. The proposed alternative procurement is based on the following "extenuating circumstances":

The tendering requirement would allow only a tiny subset of possible productions to be assessed due to the complex industry selection and delivery mechanisms specific to the professional performing arts industry.

RESOLVED BY EXCEPTION

11.5 DRAFT MINUTES OF COMMUNITY SAFETY COMMITTEE MEETING HELD 6 DECEMBER 2018

020/19 RESOLVED

Cr Ferguson / Cr Grattan

That Council note the Minutes of the Community Safety Committee meeting held on 6 December 2018.

RESOLVED BY EXCEPTION

11.7 ASSESSMENT OF DRAFT VOLUNTARY PLANNING AGREEMENT (VPA 2018/0001) PREPARED BY GLN PLANNING ON BEHALF OF NORTHERN BEACHES COUNCIL AND FRASERS PROPERTY - 9,11,12 &13 FERN CREEK ROAD, WARRIEWOOD

021/19 RESOLVED

Cr Ferguson / Cr Grattan

That:

- A. Council note the assessment of the draft Voluntary Planning Agreement, and place on public exhibition the draft Voluntary Planning Agreement between Northern Beaches Council and Frasers Property relating to 9, 11, 12 and 13 Fern Creek Road Warriewood including supporting documents in accordance with legislative requirements.
- B. Council be presented with a further report on the outcomes of the public exhibition of the draft Voluntary Planning Agreement.

RESOLVED BY EXCEPTION

11.10 PLANNING PROPOSAL FOR MANLY CREEK RIPARIAN LANDS IN THE VICINITY OF MERMAID POOL

022/19 RESOLVED

Cr Ferguson / Cr Grattan

That:

- A. Council submit the attached Planning Proposal to the Department of Planning and Environment for a Gateway Determination to rezone the following parcels of land from Low Density Residential (R2) to Public Recreation (RE1) and to remove height and minimum allotment size controls from the land:
 - Lot 7370 DP1165551 being land adjoining 102 King Street, Manly Vale
 - Lot 7369 DP1165551 Wandella Road, Allambie, south of Jenna Close
 - Lot 7371 DP1165577, Allambie, south of Blamey Street
 - Part unmade road at the southern end of Wandella Road, King Street, Manly Vale.
- B. Council prepare and exhibit consequential amendments to Warringah DCP 2011 to remove residential development controls, including setback and minimum landscaped area controls, from this land.

RESOLVED BY EXCEPTION

11.12 MINUTES OF THE INGLESIDE COMMUNITY REFERENCE GROUP MEETING HELD ON 19 DECEMBER 2018

NOTE: Councillor Ferguson expressed thanks to Council staff for their efforts in relation to the Ingleside Community Reference Group.

023/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council note the Minutes of the Ingleside Community Reference Group meeting held on 19 December 2018.

RESOLVED BY EXCEPTION

11.13 RFT 2018/326 - NORTHERN BEACHES SOCIAL INFRASTRUCTURE STUDY

024/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council adopts the recommendation contained in the Confidential attachment to the report.

RESOLVED BY EXCEPTION

11.15 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS - SEPP 1

025/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council notes the development applications granted approval with variations to development standards during the period 1 October 2018 to 31 December 2018.

RESOLVED BY EXCEPTION

CONFIDENTIAL ITEM RESOLVED BY EXCEPTION

15.1 NORTH AND SOUTH STEYNE ROAD REALIGNMENT SCHEME

026/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

- A. Council notes that the North and South Steyne Road Widening Scheme is at an end.
- B. Council amends Section 10.7 Planning Certificates to remove reference to the Scheme.
- C. Council prepares and exhibits amendments to the Manly Development Plan 2013 to remove reference to the Scheme.
- D. Council takes action to remove references to the road widening scheme from the titles of the remaining yet-to-be acquired properties included in the scheme.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 01/2019 - HERITAGE STATUS OF MANLY WARRINGAH WAR MEMORIAL PARK

027/19 RESOLVED

Cr Regan / Cr Walton

That:

- A. Council staff investigate the heritage significance of the park and a nomination for the National Heritage List.
- B. A short report be brought back to Council within three months detailing these investigations and the impacts of any heritage listing.

VOTING

FOR: Unanimous

CARRIED

7.2 MAYORAL MINUTE NO 02/2019 - RECOGNITION OF CHILDREN'S SERVICES - EXCEEDING THE NATIONAL QUALITY STANDARD

028/19 RESOLVED

Cr Regan

That Council acknowledges the efforts of all the staff working within our children's services area in our Council Long Day Care Centres and Pre-schools on achieving further recognition by way of 'Exceeding the National Quality Standard' under the National Quality Framework.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

029/19 RESOLVED

Cr Heins / Cr Ferguson

That the Order of Business be changed so Items 10.1 – Long Reef Surf Life Saving Club – Outcomes from Community Engagement and 10.7 – 1st Elanora Heights Scouts Group Hall be brought forward and dealt with immediately.

VOTING

FOR: Unanimous

CARRIED

10.1 LONG REEF SURF LIFE SAVING CLUB - OUTCOMES FROM COMMUNITY ENGAGEMENT

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

030/19 **RESOLVED**

Cr Ferguson / Cr Heins

That:

- A. Council determine to progress with the alternative concept design.
- B. Council progress to Development Application with the preferred concept and report back to Council with final costings and a proposed funding model.

VOTING

FOR: Unanimous

CARRIED

10.7 1ST ELANORA HEIGHTS SCOUTS GROUP HALL

PROCEDURAL MOTION - MOTION BE PUT

031/19 **RESOLVED**

Cr Harrison

That the motion be now put.

VOTING

FOR: Unanimous

CARRIED

032/19 **RESOLVED**

Cr Ferguson / Cr Regan

That this item be deferred for further consultation and be brought back to the next Ordinary Council meeting on 26 March 2019.

VOTING

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

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

CARRIED

9.0 CUSTOMER AND CORPORATE DIVISION REPORTS

9.5 LEGISLATIVE COMPLIANCE POLICY - DRAFT FOR PUBLIC EXHIBITION

033/19 RESOLVED

Cr Grattan / Cr Harrison

That:

- A. The draft Legislative Compliance Policy be placed on public exhibition for 28 days with the outcome of the exhibition reported to Council.
- B. Council in line with advice from the Audit Risk and Improvement Committee, write to the Minister for Local Government and other local government professional and representative associations, such as the Local Government NSW, seeking a coordinated state-wide initiative to put together and maintain on an ongoing basis, a centralised legislative compliance register outlining all the legislative obligations of NSW councils for the benefit and use of all councils across NSW.

VOTING

FOR: Unanimous

CARRIED

9.7 VOLLEYBALL AUSTRALIA REQUEST FOR SPONSORSHIP FOR VOLLEYFEST 2019 - MANLY BEACH

034/19 RESOLVED

Cr Bingham / Cr Grattan

That:

- A. Council provides Volleyball Australia with cash and fee waiver support for VolleyFest 2019 through the Community Grants and Partnership Program.
- B. Council provides \$24,970 cash grant towards the cost of sandbagging, beach levelling and volunteer meals.
- C. Council provide \$204,420 fee waiver for access to Manly Beach from Friday 1 March to Sunday 10 March 2019 and pay and display parking as outlined in this report.
- D. Council requests the organisers of the event provide appropriate recognition of Council as a major sponsor and also provide appropriate promotion of the Northern Beaches as part of the marketing of the event.
- E. Council requests the event organisers to provide staff with a detailed post event report that includes an analysis and assessment of local economic and community benefits.
- F. Staff undertake an economic assessment of the benefit and costs of this event to local businesses and the community to be undertaken after the event in 2019.
 - a. The assessment to include an analysis of visitor data from: transport providers, car parking usage, Wi-Fi and internet usage, transaction data
 - b. A qualitative online survey of local residents and businesses, and

- c. Inclusion of key statistics from relevant agencies (e.g. NSW Police, waste services, Destination NSW, health providers) as to costs and benefits is recommended.

- G. Council staff prepare a full business case for Council's investment, including the economic cost-benefit analysis from "F" to be brought to Council prior to support being negotiated for 2020.

VOTING

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

AGAINST: Crs Amon, Daley, De Luca, Harrison and Sprott

CARRIED

9.8 RFT 2018/316 - UNIFIED COMMUNICATIONS SOLUTION

035/19 **RESOLVED**

Cr Regan / Cr Harrison

That Council adopts the recommendation contained in the confidential attachment to this report.

VOTING

FOR: Unanimous

CARRIED

10.0 ENVIRONMENT AND INFRASTRUCTURE DIVISION REPORTS

10.2 MONA VALE SURF LIFE SAVING CLUB BUILDING PROJECT

036/19 **RESOLVED**

Cr Regan / Cr Amon

That Council note the proposed project funding and approve the Mona Vale Surf Life Saving Club building project to proceed to construction.

VOTING

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

AGAINST: Cr De Luca

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The Council meeting adjourned at 8:08pm.

037/19 RESOLVED

Cr Regan / Cr Heins

That in accordance with clause 19.2 of the Code of Meeting Practice, the meeting be adjourned for 10 minutes.

VOTING

FOR: Unanimous

CARRIED

10.6 DRAFT OUTDOOR DINING AND FOOTPATH MERCHANDISE POLICY

NOTE 1: The Council meeting resumed at 8:20pm.

NOTE 2: Councillor Sprott left the chamber at 8:21pm having declared a significant non-pecuniary interest in this item.

038/19 RESOLVED

Cr Heins / Cr Bingham

That:

- A. Council place the draft Outdoor Dining and Footpath Merchandise Policy on public exhibition for a period of at least 28 days.
- B. A report be brought back to Council following the closure of the public exhibition period.

VOTING

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

AGAINST: Crs De Luca and Walton

ABSENT: Cr Sprott

CARRIED

10.8 CROWN LAND RESERVE TRUST LAND CATEGORIES

NOTE: Councillor Sprott returned to the chamber at 8:38pm.

039/19 RESOLVED

Cr Sprott / Cr Warren

That:

- A. Council endorse the Steering Group's preferred land categories with the exception of those parcels of land that comprise the Manly Dam War Memorial Park.
- B. Council resolve to notify the Minister for Lands of Council's preferred land categories for Reserve Trust lands for which Council is taking on the role of Crown Land Manager.

- C. Council authorise the Chief Executive Officer to approve the provision of any documentation required to support Council's proposed land categories.

VOTING

FOR: Unanimous

CARRIED

10.10 SAFER ROADS AROUND OUR SCHOOLS

040/19 **RESOLVED**

Cr Sprott / Cr Harrison

That:

- A. Council note the investment in road safety around schools to date and support the ongoing collaboration between Council's road safety and traffic engineering staff and schools to address safety issues.
- B. Council endorse the proposed accelerated school road safety program to address safety concerns around schools, including the development of traffic, parking, infrastructure, and pedestrian reviews specific to each school in the Northern Beaches Local Government Area over the 2019/2020 and 2020/2021 program cycles.
- C. Council work with the State Agencies to secure funding opportunities to enhance the safety of students at all schools in the Northern Beaches Local Government Area.

VOTING

FOR: Unanimous

CARRIED

10.11 TRAILER PARKING CONTROL TRIAL

041/19 **RESOLVED**

Cr Ferguson / Cr Regan

That:

- A. Council note the outcomes of the "No Parking – Motor Vehicles Excepted" regulatory signage trial to manage trailer parking in suitable locations across the Northern Beaches as part of a suite that can assist in managing the parking of unattended trailers in undesirable locations.
- B. Council endorse the exploration of further options to manage trailer parking as part of the Northern Beaches Parking Plan, including:
- a. Applying area restrictions as required.
 - b. A 'trailer-parking permit' system for residents to park trailers in their area.
 - c. Advocating to the State Government for further changes to legislation.
 - d. Investigating the options to partner with operators for off-street parking provision.

- C. Council note that any further requests for “No Parking – Motor Vehicles Excepted” will be assessed on a site by site basis using consistent criteria that consider safety, proximity to children’s activities and schools, impacts on local residents and visitors, alternatives such as timed parking, and impacts on surrounding streets of trailer relocation.

VOTING

FOR: Unanimous

CARRIED

10.13 SUSPENSION OF THE ALCOHOL PROHIBITED AREA ON MANLY BEACH FOR VOLLEYBALL AUSTRALIA'S VOLLEYFEST 2019 EVENT

042/19 **RESOLVED**

Cr Daley / Cr Amon

That:

- A. Council suspend the Alcohol Prohibited Area at Manly Beach for Volleyball Australia’s VolleyFest 2019 event from Friday 1 March 2019 to Sunday 10 March 2019 for the service of alcohol in a designated VIP area from no earlier than 12 noon to no later than 9pm each event day.
- B. Council provide appropriate notice of the suspension of the Alcohol Prohibited Area.
- C. Council continue to liaise with Volleyball Australia and Northern Beaches Police Local Area Command about safe management of service of alcohol at VolleyFest 2019 during the suspension of the Alcohol Prohibited Area at Manly Beach.

VOTING

FOR: Unanimous

CARRIED

10.14 SUSPENSION OF THE ALCOHOL PROHIBITED AREA ON MANLY BEACH FOR SURFING NSW'S VISSLA SYDNEY SURF PRO 2019 EVENT

043/19 **RESOLVED**

Cr Daley / Cr Heins

That:

- A. Council suspend the Alcohol Prohibited Area at Manly Beach for Surfing NSW’s Vissla Sydney Surf Pro 2019 event from Wednesday 20 March to Sunday 24 March 2019 for the service of alcohol in a designated VIP area from no earlier than 12 noon to no later than 7pm each event day.
- B. Council provide appropriate notice of the suspension of the Alcohol Prohibited Area.
- C. Council continue to liaise with Surfing NSW and Northern Beaches Police Local Area Command about safe management of service of alcohol at Vissla Sydney Surf Pro 2019 during the suspension of the Alcohol Prohibited Area at Manly Beach.

VOTING

FOR: Unanimous

CARRIED

11.0 PLANNING PLACE AND COMMUNITY DIVISION REPORTS

11.1 NORTHERN BEACHES COAST WALK PUBLIC ART STRATEGY

NOTE: Councillors Bingham and Philpott expressed thanks to Council staff for their efforts in relation to the Northern Beaches Coast Walk Public Art Strategy.

044/19 **RESOLVED**

Cr Amon / Cr Philpott

That Council endorse the public exhibition of the draft Northern Beaches Coast Walk Public Art Strategic Plan and supporting documents for at least 28 days.

VOTING

FOR: Unanimous

CARRIED

11.3 CREATIVE ART SPACE NORTH - SITE LOCATION

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

Cr McTaggart / Cr De Luca

That this item be deferred to accommodate a further of negotiation and be brought back to the next Ordinary Council Meeting on 26 March 2019.

AMENDMENT

Cr Ferguson / Cr Philpott

That:

- A. Council support the refurbishment of the Avalon Golf Club House lower ground floor, within the existing footprint, to include artist's studios and teaching space.
- B. Council support the repurposing of the Mona Vale Civic Centre into a creative arts space, including exhibition, artists' studios and teaching space.

VOTING

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

AGAINST: Crs De Luca and McTaggart

CARRIED

The amendment was carried and became the motion

045/19 RESOLVED

Cr Ferguson / Cr Philpott

That:

- A. Council support the refurbishment of the Avalon Golf Club House lower ground floor, within the existing footprint, to include artist's studios and teaching space.
- B. Council support the repurposing of the Mona Vale Civic Centre into a creative arts space, including exhibition, artists' studios and teaching space.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

046/19 RESOLVED

Cr Regan / Cr Ferguson

That the Order of Business be changed so Item "11.4" be dealt with in closed session at the end of the meeting in accordance with clause 15.8 of the Code of Meeting Practice.

VOTING

FOR: Unanimous

CARRIED

11.6 DRAFT COMMUNITY DEVELOPMENT AND SERVICES POLICY

NOTE: Councillor Amon left the chamber at 9:28pm.

047/19 RESOLVED

Cr Bingham / Cr Regan

That:

- A. Council endorse the draft Community Development & Services Policy to be placed on public exhibition for at least 28 days.
- B. Council endorse in principle the introduction of community service hubs in central locations across the Northern Beaches, within Council owned and managed facilities.
- C. Council authorise the Chief Executive Officer to commence discussions with community groups to progress the first community service hub in Manly.

VOTING

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

ABSENT: Cr Amon

CARRIED

11.8 DEE WHY TOWN CENTRE DRAFT DEVELOPMENT CONTROL PLAN

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

NOTE 2: Councillor Amon returned to the chamber at 9:32pm.

NOTE 3: Councillor Philpott left the chamber at 9:34pm and returned at 9:35pm.

NOTE 4: Councillor Heins left the chamber at 9:39pm and returned at 9:40pm.

NOTE 5: Councillor Grattan left the chamber at 9:42pm and returned at 9:43pm.

NOTE 6: Councillor Ferguson left the chamber at 9:50pm and returned at 9:52pm.

PROCEDURAL MOTION - MOTION BE PUT

048/19 **RESOLVED**

Cr Bingham

That the motion be now put.

VOTING

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

AGAINST: Cr De Luca

CARRIED

049/19 **RESOLVED**

Cr Warren / Cr Heins

That:

- A. Council adopt the amendments to Warringah Development Control Plan 2011 relating to Dee Why town Centre, subject to clause 7(6) of the draft DCP, dealing with electric vehicle charging points, being amended to read:
- a. New retail, commercial or mixed use development, with a cost of works equal to or greater than \$5 million, must include publically available electric vehicle charging points at the following rate:
 - i. 1 charge point per 30 spaces, and
 - ii. A minimum of 2 charging points being provided.
 - b. Car parking areas should be designed and constructed so that additional electric vehicle charging points can be installed."
- B. Council give public notice of the commencement date of Warringah Development Control Plan 2011 that coincides with updates to Warringah Local Environmental Plan 2011.

VOTING

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

AGAINST: Cr De Luca

CARRIED

11.9 SUBMISSION TO DEPARTMENT OF PLANNING AND ENVIRONMENT ON PROPOSED BOARDING HOUSE PLANNING CONTROLS

050/19 **RESOLVED**

Cr Sprott / Cr Harrison

That:

- A. Council note the submission made to the Department of Planning and Environment regarding proposed amendments to State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009.
- B. The Mayor to write urgently to the Minister of Planning seeking the making of the proposed amendments to State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009.

VOTING

FOR: Unanimous

CARRIED

11.11 PLANNING PROPOSAL FOR 28 LOCKWOOD AVENUE BELROSE - WITHDRAWAL

NOTE: Councillor Warren left the chamber at 9:59pm and returned at 10:00pm.

051/19 **RESOLVED**

Cr Amon / Cr De Luca

That this item be deferred and be brought back to the Ordinary Council meeting on 26 March 2019.

VOTING

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

AGAINST: Crs Grattan, Sprott and Walton

CARRIED

11.14 RFT 2018/328 - NORTHERN BEACHES EMPLOYMENT STUDY

052/19 **RESOLVED**

Cr Walton / Cr Regan

That Council adopts the recommendation contained in the Confidential attachment to the report.

VOTING

FOR: Unanimous

CARRIED

15.0 CONFIDENTIAL MATTERS – CLOSED SESSION

NOTE 1: At 10:12pm the open session of Council was adjourned and Council resolved into closed session in accordance with clause 15.8 of the Code of Meeting Practice and the requirements of section 10A(2) of the Local Government Act 1993 to discuss Item 11.4 Mona Vale Performance Space Feasibility Study on the basis that it involves the receipt and discussion of:

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

The matter involves discusses commercial information of a confidential nature. The public interest in preserving the confidentiality of the information about the matter, on balance, outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would prejudice the commercial position of the person who supplied it, preventing the most advantageous outcome.

PROCEDURAL MOTION – MOVE INTO CLOSE SESSION

053/19 **RESOLVED**

Cr Regan / Cr Heins

That the open session of Council be adjourned and the closed session of Council now commence.

VOTING

FOR: Unanimous

CARRIED

12.0 NOTICES OF MOTION

12.1 NOTICE OF MOTION NO 01/2019 - RANDOM DRUG TESTING OF COUNCILLORS

NOTE 1: At 10:27pm the meeting resumed into open session of Council.

NOTE 2: Councillor De Luca declared a less than significant non-pecuniary interest in this item.

NOTE 3: Councillor Grattan left the chamber at 10:30pm and returned at 10:31pm.

PROCEDURAL MOTION - MOTION BE PUT

056/19 **RESOLVED**

Cr McTaggart

That the motion be now put.

VOTING

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

AGAINST: Cr De Luca

CARRIED

Cr Daley / Cr Amon

That staff report back within one month to outline the various options for random and targeted illicit drug and alcohol testing of Councillors to mitigate against Workplace Health and Safety risks and show leadership from the Councillors on these risks.

VOTING

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

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

LOST

12.2 NOTICE OF MOTION NO 02/2019 - PLASTIC FREE JULY 2019

057/19 **RESOLVED**

Cr Amon / Cr Ferguson

That, by May 2019, staff prepare a memorandum to councillors regarding:

- A. Council's proposed actions/program for its involvement in Plastic Free July 2019.
- B. The feasibility and cost of installing temporary structures to the effect of that shown in Figure 1 for part of or all of Plastic Free July 2019 (not functioning bins but could include a feature to the effect of or similar to Figure 1 provided in the Notice of Motion Background Report, or banners or signs to the effect of Figure 1) in key areas around the Northern Beaches, possible including not on but around the Manly, Dee Why, Collaroy and Mona Vale Beach areas.

VOTING

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

AGAINST: Crs Grattan, Heins, Philpott and Warren

CARRIED

PROCEDURAL MOTION – EXTEND MEETING CONCLUSION TIME

058/19 **RESOLVED**

Cr Bingham / Cr Regan

That the business of the meeting be extended as per the Code of Meeting Practice clause 19.3 to 11:30pm.

VOTING

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

AGAINST: Cr Harrison

CARRIED

12.3 NOTICE OF MOTION NO 03/2019 - URBAN NIGHT DARK SKY PLACE

059/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That:

- A. Council investigate registering Palm Beach Headland as an Urban Night Sky Place under the International Dark Sky Places Program.
- B. Staff prepare a report to the next Council meeting outlining any required funding and resource impacts associated with this registration.

VOTING

FOR: Unanimous

CARRIED

12.4 NOTICE OF MOTION NO 04/2019 - REVIEW OF POLICY ALLOWING DEVELOPMENT CERTIFICATES BEING ISSUED BY PRIVATE CERTIFIERS

NOTE: Councillor Bingham left the chamber at 11:02pm.

060/19 **RESOLVED**

Cr Sprott / Cr Walton

That:

- A. Council writes to the NSW Government supporting a review of the current policy that allows private accredited certifiers to issue development certificates to confirm they are satisfied with developments and meet legislative requirements.
- B. This review strongly consider a gradual return of development certificates, construction certificates and complying development certificates returned to Councils and that the principal certifying authority for developments are gradually returned to Council in the relevant Local Government Area.
- C. A motion be submitted to the LG NSW Conference 2019 for consideration.

VOTING

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

ABSENT: Cr Bingham

CARRIED

12.5 NOTICE OF MOTION NO 05/2019 - LITTER REDUCTION STRATEGY

NOTE 1: Councillor Bingham returned to the chamber at 11:04pm.

NOTE 2: Councillor Heins left the chamber at 11:07pm and returned at 11.08pm.

061/19 RESOLVED

Cr Amon / Cr De Luca

That:

- A. Staff provide a briefing, followed by a memorandum to councillors, setting out the steps Council can take to reduce littering (including illegal dumping) through various strategies, but especially through increased enforcement and improved and educational signage.
- B. The cost of implementing such steps be considered as a part of the 2019/20 budget process.

VOTING

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

AGAINST: Cr Heins

CARRIED

12.6 NOTICE OF MOTION NO 06/2019 - COOLER ROADS INITIATIVE

062/19 RESOLVED

Cr Bingham / Cr Warren

That:

- A. Council review ways in which Council can reduce the heat generated by traditional black asphalt roads, including studying the outcomes of trials already undertaken by Councils such as the City of Sydney, Canada Bay and Penrith.
- B. Council investigate the possibility of trialing a 'cooler roads' program in a yet-to-be specified area.
- C. Council investigate ways in which Council can help to divert plastics from landfill by incorporating into road surfaces such as Plastiphalt, including the outcomes of trials undertaken by other Councils including Sutherland Shire in Sydney and Craigieburn, VIC.
- D. Council investigate the possibility of trialing a 'Plastiphalt' (or similar) road in a yet to be specified area.
- E. Bring back a report within three months outlining findings and recommendations on both initiatives.

VOTING

FOR: Unanimous

CARRIED

12.7 NOTICE OF MOTION NO 07/2019 - PARKING FINE DATA TO OPT-IN TO REGULATIONS TO REDUCE NON-SAFETY RELATED PARKING FINES

063/19 **RESOLVED**

Cr Walton / Cr Amon

That:

- A. Council management conduct an analysis of the parking infringement notices (parking fines) issued by Council Rangers on the Northern Beaches, to determine the types and costs of non-safety related parking fines issued for the calendar year 2018.
- B. Council management determine the reduction in fine revenue for a financial year for opting into the NSW Government's changes to road rules and regulations designed to introduce a fairer and more common sense approach to parking fines in NSW, including the reduction from \$112 to \$80 of the 52 non-safety related parking offences.
- C. Council management report back to Council at the April Council meeting with its ability to opt-in to this parking fine regulation change at the regulation's opportunities in June, September or December 2019.
- D. Council management report back to Council on any impact on the FY 19/20 budget from the reduced parking fine revenue and how this can be managed.

VOTING

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

AGAINST: Crs Harrison, Warren and White

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

064/19 **RESOLVED**

Cr Regan / Cr Heins

That the Order of Business be changed so Item 16.0 be brought forward and dealt with immediately.

VOTING

FOR: Unanimous

CARRIED

16.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

9.8 RFT 2018/316 - UNIFIED COMMUNICATIONS SOLUTION

035/19 RESOLVED

Cr Regan / Cr Harrison

That Council adopts the recommendation contained in the confidential attachment to the report.

[The recommendation as per the confidential attachment to the report is as follows:

That:

- A. Council accepts the tender of Telstra for **RFT 2018/316 Unified Communications Solution** for the sum of \$1,512,213 excluding GST subject to cost adjustment by CPI for each year thereafter, for the period 29 March 2019 to 29 March 2021 with 2 x 2 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 and to approve contract payments up to the amount specified in the confidential evaluation report.
- C. The Chief Executive Officer be delegated authority to exercise Council's options to extend the contract term.]

VOTING

FOR: Unanimous

CARRIED

11.4 MONA VALE PERFORMANCE SPACE FEASIBILITY STUDY

054/19 RESOLVED

Cr McTaggart / Cr White

That Council adopts the recommendation contained in the confidential attachment to the report.

[The recommendation as per the confidential attachment to the report is as follows:

That:

- A. Council note the NSW Education Minister's request to release the funds allocated to the Mona Vale performance space from the Stronger Community Fund.
- B. Council release the funds and continues to support the concept in principle, ensuring the general community has access to the proposed facility.]

VOTING

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

AGAINST: Crs Harrison and Warren

CARRIED

11.13 RFT 2018/326 - NORTHERN BEACHES SOCIAL INFRASTRUCTURE STUDY

024/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

- A. Council accepts the tender of Ethos Urban for RFT 2018/326 – Social Infrastructure Study for the sum of \$120,000 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

11.14 RFT 2018/328 - NORTHERN BEACHES EMPLOYMENT STUDY

052/19 **RESOLVED**

Cr Walton / Cr Regan

That Council adopts the recommendation contained in the confidential attachment to the report.

[The recommendation as per the confidential attachment to the report is as follows:

That:

- A. Council accepts the tender of SGS Economics and Planning Pty LTD for RFT 2018/328 – Employment Study for the sum of \$130,931 excluding GST.
- B. Authority is delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.]

VOTING

FOR: Unanimous

CARRIED

15.1 NORTH AND SOUTH STEYNE ROAD REALIGNMENT SCHEME

026/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

- A. Council notes that the North and South Steyne Road Widening Scheme is at an end.
- B. Council amends Section 10.7 Planning Certificates to remove reference to the Scheme.
- C. Council prepares and exhibits amendments to the Manly Development Plan 2013 to remove reference to the Scheme.
- D. Council takes action to remove references to the road widening scheme from the titles of the remaining yet-to-be acquired properties included in the scheme.

RESOLVED BY EXCEPTION

12.8 NOTICE OF MOTION NO 08/2019 - DUNBAR PARK EAST AVALON (AKA "WOOLIES CAR PARK")

065/19 **RESOLVED**

Cr McTaggart / Cr Amon

That Council upgrade the Dunbar Park, East Avalon car park paying particular attention to:

- A. Filling pot holes and raising surface level where water ponds.
- B. Replacing the rotten damaged and missing timber wheel stops.
- C. Revegetating where necessary.
- D. Replanting missing major trees.
- E. Fixing damaged pavers and removing damaged concrete slabs.
- F. Steam cleaning the rear lane way/loading dock.
- G. Put in place a regular tree trimming schedule for the Canary Island Palms which require regular attention.
- H. The path leading from the beach alongside the service station to the bridge over the creek needs some road base or crusher dust to fill in the muddy informal track.

VOTING

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

AGAINST: Crs Grattan, Harrison and Heins

CARRIED

NOTE 1: Councillor McTaggart moved the motion for item 12.9 – Notice of Motion No 09/2019 – Seismic Oil and Gas Testing and Exploration Offshore of the Northern Beaches and Councillor Warren seconded the motion.

NOTE 2: Councillor De Luca left the chamber at 11:29pm and returned at 11:34pm.

NOTE 3: Councillors McTaggart and Warren subsequently withdrew this item with the permission of the Chair.

NOTE 4: The Mayor acknowledged items 12.9, 12.10, 12.11 and 12.12 would be brought to the Ordinary Council meeting on 26 March 2019.

13.0 QUESTIONS ON NOTICE

NOTE: In accordance with clause 4.18 of Council's Code of Meeting Practice responses to Questions on Notice will be included as soon as practicable in a subsequent business paper of an Ordinary Meeting of Council and included in the minutes.

13.1 QUESTION ON NOTICE NO 01/2019 - EXPENDITURE OF THE ESPLANADE, MANLY

Submitted by: Councillor Vincent De Luca OAM

QUESTION:

Since amalgamation what have been the total costs for the following at East Esplanade, Manly:

- A. Ranger Patrols and salaries:
 - a. Day
 - b. Night
 - c. After Hours Ranger Call Out.
- B. Landscaping and capital works.
- C. Rubbish collection:
 - a. On staff to collect rubbish
 - b. To dispose of rubbish.
- D. Fireworks and other activities.
- E. Gardening/Maintenance staff salaries.

13.2 QUESTION ON NOTICE NO 02/2019 - MANLY CINEMA

Submitted by: Councillor Candy Bingham

QUESTION

The Manly Twin Cinema at East Esplanade has remained empty since 2013, with no effort by the owner to find a new lessee despite many attempts by local business people to take over the business.

1. Was it a condition of consent for the redevelopment of the site around 1985 (which was previously the Embassy Cinema opened in 1933 and later the remodeled Odeon Cinema in 1960) that a cinema be part of the new development?
2. Is there any action Council can take to assist in the reinstatement of the operation of a Cinema?

13.3 QUESTION ON NOTICE NO 03/2019 - COST OF NEW ORGANISATIONAL STRUCTURE

Submitted by: Councillor Vincent De Luca OAM

QUESTION

In view of the new Organisational Structure could the costs for the following please be advised:

- A. Expenditure incurred to Derwent Search for the recruitment of new Directors;
- B. Redundancy payments for the existing General Managers who were unsuccessful in gaining positions in the new structure;
- C. Salary costs for each new respective Director (by each Directorate); and
- D. Advertising and any other costs in relation to recruitment for the new Structure

14.0 RESPONSES TO QUESTIONS ON NOTICE

14.1 RESPONSE TO QUESTION ON NOTICE NO 15/2018 - FINES ISSUED BY COUNCIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Since amalgamation, does Council keep a record by category of fines issued, if so, could I please be advised of how many fines were issued and the total amount charged for the following type of fines:

- A. Dog related
- B. Parking
- C. Building (failure to comply with consent conditions)
- D. Illegal Building works
- E. Commercial/Health/Safety
- F. Environment
- G. Other.

RESPONSE

Council does not keep a record of Penalty Infringement (fine) data by category. The information held specifies the number of fines issued by each offence.

Penalty infringement data prior to 1 January 2017 was archived when the three infringement systems that were in operation at the point of amalgamation were consolidated and cannot be reported on.

Infringement data from 1 January 2017 to 30 January 2019 has been analysed to provide the information by the categories requested below.

- A. Dog Related: 615 infringements issued - \$196,765
- B. Parking: 105,538 infringements issued - \$14,503,222
- C. Building (failure to comply with consent conditions): 513 infringements issued - \$288,550
- D. Illegal Building works: 56 infringements issued - \$154,500
- E. Commercial/Health/Safety: 456 infringements issued - \$394,270
- F. Environment: 35 infringements issued - \$153,450
- G. Other: 407 infringements issued - \$185,865.

14.2 RESPONSE TO QUESTION ON NOTICE NO 16/2018 - EXPENDITURE OF LEGAL FEES

Submitted by: Councillor Vincent De Luca OAM

QUESTION:

- A. Since amalgamation, what is the total cost incurred by Council on legal matters?
- B. On how many occasions has Council's in House Lawyers appeared in Court on the record, on behalf of Council?
- C. On how many occasions has Council been represented in Court / Tribunals / Commissions / Mediations by Counsel?
- D. On how many occasions has Council been represented in Court / Tribunals / Commissions / mediations by external Law Firms?

RESPONSE

In relation to Question on Notice No 16/2018 - Expenditure of Legal Fees, the response is as follows:

- A. As at January 2019, \$6,930,288.
- B. In Courts/Tribunals/Commissions, 27.
- C. 26.
- D. 177

The meeting concluded at 11:36pm

This is the final page of the minutes comprising 36 pages
numbered 1 to 36 of the Ordinary Council Meeting
held on Tuesday 26 February 2019 and confirmed on Tuesday 26 March 2019

Mayor

Chief Executive Officer