



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 18 DECEMBER 2018

Minutes of an Ordinary Meeting of Council
held on Tuesday 18 December 2018
at the Civic Centre, Dee Why
Commencing at 6:30pm

ATTENDANCE:

Councillors

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

Officers

Ray Brownlee PSM	Chief Executive Officer
Helen Lever	General Manager Customer and Corporate
Ben Taylor	General Manager Environment and Infrastructure
David Kerr	General Manager Planning Place and Community
Craig Sawyer	Executive Manager Transport and Civil Infrastructure
Todd Dickinson	Executive Manager Natural Environment and Climate Change
Steven Lawler	Executive Manager Parks and Recreation
Eva Havenstein	Acting Executive Manager Capital Projects
Neil Williamson	Executive Manager Environmental Compliance
Kylie Walshe	Executive Manager Community, Arts and Culture
Melissa Lee	Manager Governance
Sherryn McPherson	Coordinator Governance
Jasmine Evans	Governance Officer
Don Morales	Information Management Technology Officer
Brendan Shaw	Information Management Technology Officer

Notes

The meeting commenced at 6:30pm, adjourned at 8:44pm, resumed at 8:54pm, adjourned at 10:07pm, resumed at 10:12pm, moved into closed session at 10:30pm, resumed in open session at 10:43pm and concluded at 10:46pm.

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 27 NOVEMBER 2018

367/18 RESOLVED

Cr Grattan / Cr Ferguson

That the Minutes of the Ordinary Council Meeting held 27 November 2018, 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 DISCLOSURES OF INTEREST

4.1 Councillor Sprott declared a significant non-pecuniary interest in relation to Item 10.8 – Draft Outdoor Dining and Footpath Merchandise Policy. Councillor Sprott left the meeting and did not take part in the discussion or voting on this item. The reason provided by Councillor Sprott was:

“My partner is partners in a café which has outdoor seating.”

4.2 Councillor Amon declared a pecuniary interest in relation to Item 11.1 – Planning Proposal - Facilitating Activities on Community Land - Manly LEP 2013. Councillor Amon left the meeting and did not take part in the discussion or voting on this item. The reason provided by Councillor Amon was:

“I declare a pecuniary interest due to a friendship, whereby the friend may have a commercial interest in the outcome of this item. I intend to leave the chamber for any discussion and not vote.”

4.3 Councillor De Luca declared a less than significant non-pecuniary interest in relation to Item 10.5 - Financial Assistance for Private Coastal Protection Works at Collaroy Narrabeen Beach. Councillor De Luca chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor De Luca was:

“I have made representation to Council and Government on behalf of Mr Scot Markovich and his resident group members.”

- 4.4 Councillor De Luca declared a less than significant non-pecuniary interest in relation to Item 12.4 - Notice of Motion No 71/2018 - Renaming of Dee Why Rock Pool The Isa Wye MBE OAM Pool. Councillor De Luca chose to remain in the meeting and take part in the discussion or voting on this item. The reason provided by Councillor De Luca was:

“I served on the Curl Curl Youth and Community Centre Council Management Committee for 22 years with Mrs Isa Wye MBE OAM, and my late grandmother served in swimming with Mrs Isa Wye for Warringah, NSW Aust swimming and DYLASC.”

- 4.5 Councillor De Luca declared a less than significant non-pecuniary interest in relation to Item 12.5 - Notice of Motion No 72/2018 - Formal Opposition to the Adani Carmichael Coal Mine. Councillor De Luca chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor De Luca was:

“A member of my family represented for free indigenous leaders, protestors and residents in associated matters against Adani.”

- 4.6 Councillor Grattan declared a less than significant non-pecuniary interest in relation to Item 10.7 – Consideration of Manly Dam Inclusive Playspace. Councillor Grattan chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Grattan was:

“A member of Save Manly Dam committee volunteered on election day for my campaign.”

- 4.7 Councillor Regan declared a less than significant non-pecuniary interest in relation to Item 10.9 – Works on Private Property 19 and 21 Oaks Avenue Dee Why. Councillor Regan chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Regan was:

“I used to be a director for Northern Beaches Credit Union.”

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 De Luca left the chamber at 7:03pm and returned at 7:06pm.

NOTE 3: Councillor De Luca left the chamber at 7:07pm and returned at 7:09pm.

NOTE 4: Councillor De Luca left the chamber at 7:11pm and returned at 7:12pm.

PUBLIC FORUM SPEAKERS:

- 5.1 Stephen Choularton, President, Bayview & Ingleside Residents Association, addressed Council in regard to Ingleside Land Release.
- 5.2 David Tribe addressed Council in regard to the new freeway for the Northern Beaches and its effects on Aboriginal sites.
- 5.3 Terrance Le Roux addressed Council on behalf of the Northern Harbour Community to acknowledge Councillors and Council staff for the work done in refurbishment of the public amenities at North Harbour Reserve.

PUBLIC ADDRESS SPEAKERS:

5.4 Item 10.1 – Northern Beaches Walking Plan

Lisbeth Lawsen addressed Council in support of this item.

PROCEDURAL MOTION - EXTENSION OF TIME

368/18 **RESOLVED**

Cr McTaggart / Cr Ferguson

That Lisbeth Lawsen be granted an extension of 2 minutes to address the meeting.

VOTING

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

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

CARRIED

5.5 Item 10.7 – Consideration of Manly Dam Inclusive Playspace

Denise Keen and Merrill Barker, Honorary Secretary and Merchant Navy RSL Sub-Branch, addressed Council in support of the item.

5.6 Item 12.1 – Notice of Motion No 68/2018 – Return of East Esplanade to 24 Hours Alcohol Free Zone

Denise Keen, on behalf of the Greater Manly Residents Forum, addressed Council in support of the motion.

5.7 Item 12.2 – Notice of Motion 69/2018 – Queenscliff Stairs Improvements from Queenscliff Community

Paul Oates addressed Council in support of the motion.

5.8 Item 12.3 – Notice of Motion 70/2018 - Title of the Mayor's End of Year Reception

Jim Kerrigan addressed Council in support of the motion.

5.9 Item 12.4 – Notice of Motion 71/2018 – Renaming of Dee Why Rock Pool the Isa Wye MBE OAM Pool

Lois Clarke addressed Council in support of the motion.

5.10 Item 12.5 – Notice of Motion 72/2018 – Formal Opposition to the Adani Carmichael Coal Mine

Rachael Chick, Terrence Le Roux and Heidi Wiseman addressed Council in support of the motion.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE: Councillor Amon left the chamber at 7:29pm due to a declared pecuniary interest in relation to item 11.1.

369/18 **RESOLVED**

Cr Regan / Cr Harrison

That items 8.1, 9.1, 10.3, 10.4, 10.7, 11.1, 11.2, 11.3, 11.4 and 15.2 are dealt with by exception with the recommendations of the Chief Executive Officer / General Managers being adopted.

VOTING

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

ABSENT: Cr Amon

CARRIED

8.1 MONTHLY INVESTMENT REPORT - NOVEMBER 2018

370/18 **RESOLVED**

Cr Regan / Cr Harrison

That Council receives and notes the Investment Report as at 30 November 2018, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.1 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

371/18 **RESOLVED**

Cr Regan / Cr Harrison

That Council note that payments totalling \$8,790 have been allocated by the Northern Beaches Council Discretionary Fund for the period 26 September 2018 to 18 December 2018.

RESOLVED BY EXCEPTION

10.3 ROWLAND RESERVE PAY AND DISPLAY FEE REVIEW

372/18 **RESOLVED**

Cr Regan / Cr Harrison

That:

- A. The draft carparking fee for Rowland Reserve be placed on public exhibition for at least 42 Days.
- B. A report be presented to Council following the conclusion of the exhibition period.

RESOLVED BY EXCEPTION

10.4 PUBLIC EXHIBITION OF THE NEWPORT FLOOD STUDY

373/18 RESOLVED

Cr Regan / Cr Harrison

That the Draft Newport Flood Study (December 2018) be placed on public exhibition for a period of at least 28 days.

RESOLVED BY EXCEPTION

10.7 CONSIDERATION OF MANLY DAM INCLUSIVE PLAYSPACE

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

NOTE 2: Councillors Bingham, Daley, Harrison, Heins and Walton expressed their thanks to Councils staff for their efforts in relation to the Manly Dam Inclusive Playspace.

374/18 RESOLVED

Cr Regan / Cr Harrison

That:

- A. Council upgrade the Manly Dam playground and allocate \$300,000 of the Connecting All Through Play – Inclusive Play program for that purpose.
- B. Council consult with all stakeholders involved in the project to date on the draft design before implementation.
- C. Council allocate \$1,200,000 to develop an inclusive playground, upgraded public toilets and other facilities at Clontarf Beach per the masterplan currently being developed.
- D. Council exhibit a detailed concept design of the proposed play facilities as part of the draft Clontarf Beach Masterplan expected to be exhibited in March 2018
- E. Council undertake the appropriate measures to seek approval to reallocate funding connected to the Stronger Communities Program Round 1.

RESOLVED BY EXCEPTION

11.1 PLANNING PROPOSAL - FACILITATING ACTIVITIES ON COMMUNITY LAND - MANLY LEP 2013

375/18 RESOLVED

Cr Regan / Cr Harrison

That:

- A. Council approve amendments under Schedule 2 of *Manly Local Environmental Plan 2013* in accordance with the publicly exhibited Planning Proposal.
- B. Council exercise its delegation to undertake the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend *Manly Local Environmental Plan 2013* to give effect to the publicly exhibited Planning Proposal.

RESOLVED BY EXCEPTION

11.2 CHILDREN'S SERVICES FEES AND CHARGES AND PRE-SCHOOL FUNDING FOR THREE YEAR OLDS

376/18 RESOLVED

Cr Regan / Cr Harrison

That Council support the reduction of the pre-school fee for children aged 3 years old on or before 31 July by the amount of funding received from the NSW government – from \$63 to \$56 per day.

RESOLVED BY EXCEPTION

11.3 FIRE AND RESCUE NSW INSPECTION REPORT - 39 FRENCHS FOREST ROAD EAST, FRENCHS FOREST

377/18 RESOLVED

Cr Regan / Cr Harrison

That:

- A. Council issue a Fire Safety Order number 1 pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* on the owner(s) of 39 Frenchs Forest Road East, Frenchs Forest.
- B. Council provide notice to Fire and Rescue NSW of this determination.

RESOLVED BY EXCEPTION

11.4 FIRE AND RESCUE NSW INSPECTION REPORT - 68-70 PITTWATER ROAD, MANLY

378/18 RESOLVED

Cr Regan / Cr Harrison

That:

- A. Council issue a Fire Safety Order number 1 pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to the owners of 68 Pittwater Road, Manly.
- B. Council provide notice to Fire and Rescue NSW of this determination.

RESOLVED BY EXCEPTION

15.2 RFT 2018/274 - WHISTLER STREET CARPARK STAGE 1 REMEDIATION

379/18 **RESOLVED**

Cr Regan / Cr Harrison

That:

- A. Council accepts the submission of Polyseal Building & Remedial Services Pty Ltd for RFT2018/274 – Whistler Street Carpark, Stage 1 Remediation Option B works for the sum of \$1,418,496.30 exc. GST.
- B. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.

RESOLVED BY EXCEPTION

15.3 ELECTRIC FLEET VEHICLE PROGRAM

NOTE: The Mayor advised (with the permission of the CEO) that this item was withdrawn from the meeting.

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 18/2018 - RECOGNITION - CHURCH POINT CAR PARK AWARDS

NOTE: Councillor Amon returned to the chamber at 7:32pm.

380/18 **RESOLVED**

Cr Regan

That:

- A. Council acknowledge the outstanding achievements and awards bestowed for the Church Point Carpark project including:
 - a. National Award for Civil/Infrastructure Project Award under \$25million at the Master Builders Association Australia Excellence in Construction Awards
 - b. NSW Awards for Excellence in Environment and Civil Engineering Projects at the Master Builders Association NSW Excellence in Construction Awards
 - c. NSW Special Transport Integration Hub Award from the Institute of Public Works Engineers Australia New South Wales (IPWEA).
- B. Council congratulate the staff involved together with Ward Civil and Environmental.
- C. Council writes to the 'Church Point Carpark Aesthetics Advisory Group' to advise them of the awards won by the new Church Point carpark and to thank them for their contribution.

VOTING

FOR: Unanimous

CARRIED

7.2 MAYORAL MINUTE NO 19/2018 - RECOGNITION OF CHILDREN'S SERVICES - EXCEEDING THE NATIONAL QUALITY STANDARD

NOTE: Councillor Grattan left the chamber at 7:33pm.

381/18 **RESOLVED**

Cr Regan

That Council acknowledge the efforts of all staff who work in our children's services area at all our Long Day Care centres and throughout our Family Day Care network and thank them for their part in this achievement.

VOTING

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

ABSENT: Cr Grattan

CARRIED

7.3 MAYORAL MINUTE NO 20/2018 - RECOGNITION OF AWARD - INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA - SPECIAL HERITAGE AWARD FOR THE REFURBISHMENT OF HERITAGE SYDNEY TRAM

NOTE: Councillor Grattan returned to the chamber at 7:35pm.

382/18 **RESOLVED**

Cr Regan

That:

- A. Council formally acknowledge the outstanding achievement in being awarded the Judges Special Heritage Award for the Refurbishment of Heritage Sydney Tram at the recent Institute of Public Works Engineering Australia (IPWEA) Awards.
- B. Council congratulate the staff involved in this project.
- C. Council congratulate the members of the Forest Men's Shed for their contribution to this Award winning project.

VOTING

FOR: Unanimous

CARRIED

7.4 MAYORAL MINUTE NO 21/2018 - RECOGNITION OF AWARD - INNOVATION IN PLANNING, POLICIES AND DECISION MAKING AWARD - LOCAL GOVERNMENT NEW SOUTH WALES - EXCELLENCE IN THE ENVIRONMENT AWARDS

383/18 **RESOLVED**

Cr Regan

That:

- A. Council formally acknowledge the outstanding achievement in being awarded the Innovation in Planning, Policies and Decision Making Award from Local Government New South Wales.
- B. Council congratulate the staff involved in this project.

VOTING

FOR: Unanimous

CARRIED

7.5 MAYORAL MINUTE NO 22/2018 - RECOGNITION OF AWARD - INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA - LOCAL GOVERNMENT EXCELLENCE IN ROAD SAFETY

384/18 **RESOLVED**

Cr Regan

That:

- A. Council formally acknowledge the achievement by our Road Safety team for their part in being awarded the Local Government Excellence in Road Safety Award at the recent Institute of Public Works Engineering Australia (IPWEA) Awards.
- B. Council congratulate the staff involved in this project.

VOTING

FOR: Unanimous

CARRIED

7.6 MAYORAL MINUTE NO 23/2018 - PROPOSED NAMING OF COUNCIL RESERVE IN DUFFYS FOREST IN HONOUR OF THE LATE DR MARY NEWLINDS OAM

NOTE: Councillor Warren left the chamber at 7:38pm.

385/18 RESOLVED

Cr Regan

That:

- A. Council write to the NSW Geographical Names Board to formally request the naming of the public reserve (3.68 hectares of land) located on Guwara Road, Duffy's Forest (DP 1196894) to be named *Mary Newlinds Reserve*.
- B. Council write to the Duffys Forest Residents Association to thank them for their representations and to advise that a formal application has been made to the NSW Geographical Names Board seeking the naming of the public reserve (3.68 hectares of land) located on Guwara Road, Duffy's Forest (DP 1196894) to be named *Mary Newlinds Reserve*.
- C. Council include notice of Council's application to the NSW Geographical Names Board requesting the naming of the public Reserve (3.68 hectares of land) located on Guwara Road, Duffy's Forest (DP 1196894) to be named *Mary Newlinds Reserve* in the local print media and on Council's website.
- D. Staff be delegated authority to respond to the Geographical Names Board if any comments are received on the proposal.
- E. Council develop a Policy in relation to the naming of parks, reserves (including the facilities within these) and buildings and bring this back to Council for review.

VOTING

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

ABSENT: Cr Warren

CARRIED

7.7 MAYORAL MINUTE NO 24/2018 - SMART BEACH REPORT

NOTE: Councillor Warren returned to the chamber at 7:39pm.

386/18 **RESOLVED**

Cr Regan

That:

- A. Council formally acknowledges the outstanding achievement of Lake Macquarie Council, Northern Beaches Council and University of Technology Sydney being successful in obtaining the subject grant funding.
- B. Council formally acknowledges the contribution of the Economic and Smart Communities Strategy Reference Group for their involvement in the Smart Beach concept.
- C. Council congratulate our Strategy Performance and Improvement, Information and Digital Technology team and all staff involved in supporting this project.

VOTING

FOR: Unanimous

CARRIED

7.8 MAYORAL MINUTE NO 25/2018 - GOTCHA4LIFE FOUNDATION - SPONSORSHIP REQUEST

387/18 **RESOLVED**

Cr Regan

That Council acknowledges the important work that the Gotcha4Life Foundation are undertaking in our community and encourages them to access monies set aside for Community Events and Sponsorship for the Cliff Side Festival in 2019 and that Council staff work with the Foundation to assist them with their application.

VOTING

FOR: Unanimous

CARRIED

9.0 CUSTOMER AND CORPORATE DIVISION REPORTS

9.2 LOCAL GOVERNMENT ELECTION 2020

388/18 **RESOLVED**

Cr Walton / Cr Amon

That:

- A. Council adopt, pursuant to section 296(2) and (3) of the *NSW Local Government Act 1993* endorse an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
- B. Council adopt, pursuant to section 296(2) and (3) of the *NSW Local Government Act 1993*, as applied and modified by section 18 of the *NSW Local Government Act 1993*, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
- C. Council adopt, pursuant to section 296(2) and (3) of the *NSW Local Government Act 1993*, as applied and modified by section 18 of the *NSW Local Government Act 1993*, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
- D. Council delegates authority to the Chief Executive Officer to enter into negotiations with the Electoral Commissioner and to enter into a contract for the provision of administering elections of the Council.

VOTING

FOR: Unanimous

CARRIED

9.3 COUNCIL SUPPORT FOR THE 2019 VISSLA SYDNEY SURF PRO IN MANLY IN MARCH 2019

389/18 **RESOLVED**

Cr Sprott / Cr Walton

That:

- A. Council continues to partner with Surfing NSW to support the delivery of the *2019 Vissla Sydney Surf Pro*.
- B. Council provides in-kind support up to \$311,000 in fee waivers and in-kind support and provide additional logistics and marketing support to the event up to the value of \$65,000.
- C. Council fund the additional logistics and marketing support for the event up to the value of \$65,000 from the operational budget 2018/19.
- D. An economic assessment of the benefit and costs of this event to local businesses and the community be undertaken after the event in 2019.
 - a. The assessment to include an analysis of visitor data from: transport providers, car-parking usage, wifi and internet usage, transaction data
 - b. A qualitative online survey of local residents & businesses

- c. Inclusion of key statistics from relevant agencies (eg. Police, waste services, Destination NSW, health providers) as to costs and benefits is recommended.
- E. Council staff prepare a full business case for Council's investment, including the economic cost-benefit analysis from "D" be brought to Council prior to support being negotiated for 2020.

VOTING

FOR: Unanimous

CARRIED

10.0 ENVIRONMENT AND INFRASTRUCTURE DIVISION REPORTS

10.1 NORTHERN BEACHES WALKING PLAN

390/18 **RESOLVED**

Cr Regan / Cr Amon

That:

- A. Council endorse the public exhibition of the draft WALK – Northern Beaches Walking Plan for at least 28 days.
- B. The outcomes of the public exhibition be presented to Council following the conclusion of the exhibition period.
- C. Council increase the new footpath budget to accelerate delivery by including \$3M per annum for new footpaths in the draft Capital Works Program for 2019-2023 for consideration.
- D. Staff prepare a report and briefing for Council on innovative options to further accelerate delivery of the footpath program with at least one footpath on every street by 2030 for consideration when the final Walking Plan is brought to Council for adoption.
- E. As part of the exhibition process, staff notify all relevant associations of the public exhibition of the Northern Beaches Walking Plan.
- F. The Northern Beaches Council Draft Footpath Priority Schedule be updated to include all streets prior to going on exhibition.

VOTING

FOR: Unanimous

CARRIED

10.2 DRAFT NORTHERN BEACHES SHARED MOBILITY POLICY AND DRAFT BIKE SHARE GUIDELINES

391/18 **RESOLVED**

Cr Harrison / Cr Amon

That:

- A. Council endorse the public exhibition of the draft Shared Mobility Policy and the draft Bike Share Guidelines for at least 42 days.
- B. A report detailing the Community Engagement outcomes is provided to Council at the end of the exhibition period.
- C. Council further discuss with NSW Government Agencies opportunities for participating in trials of new technologies for alternate shared mobility modes.

VOTING

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

AGAINST: Crs Amon, De Luca and Sprott

CARRIED

10.5 FINANCIAL ASSISTANCE FOR PRIVATE COASTAL PROTECTION WORKS AT COLLAROY-NARRABEEN BEACH

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

392/18 **RESOLVED**

Cr De Luca / Cr Regan

That Council publicly exhibit the intent to provide financial assistance to the property owners for a period of at least 28 days.

VOTING

FOR: Unanimous

CARRIED

10.6 AVALON BEACH RESERVE DOG OFF-LEASH AREA TRIAL - REVIEW

NOTE: Councillor Harrison left the chamber at 8:22pm and returned at 8:23pm.

393/18 RESOLVED

Cr De Luca / Cr Sprott

That:

- A. This matter be deferred for 3 months during which time Council seeks comment and submissions from directly affected residents, the community and Pittwater Unleashed.
- B. The trial continue however all priority maintenance matters be checked subject to the Chief Executive Officer's approval.

VOTING

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

AGAINST: Crs Ferguson, Harrison, Heins, Walton and White

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The Council meeting adjourned at 8:44pm.

394/18 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

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

NOTE: The Council meeting resumed at 8:54pm.

395/18 RESOLVED

Cr Bingham / Cr De Luca

That the Order of Business be changed so Item 12.5 be brought forward and dealt with immediately.

VOTING

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

AGAINST: Crs Amon, Harrison and Walton

CARRIED

12.5 NOTICE OF MOTION NO 72/2018 - FORMAL OPPOSITION TO THE ADANI CARMICHAEL COAL MINE

PROCEDURAL MOTION - MOTION BE PUT

396/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That the motion be now put.

VOTING

FOR: Unanimous

CARRIED

397/18 **RESOLVED**

Cr Warren / Cr De Luca

That:

- A. Council notes the particular vulnerability of the Northern Beaches to climate change impacts such as sea level rise, coastal erosion, flooding and bushfires.
- B. Council supports and recognises the need for a global and nationwide transition from fossil fuels to renewable energy as soon as possible, to stave off the most dangerous level of climate change.
- C. Council notes Australia's international commitment to keeping global temperature rise below 2°C, with best efforts to keep below a 1.5°C rise and that in order to do so, 88% of discovered global coal reserves must remain unburned.
- D. Council notes that in the Northern Beaches community there is a high level of concern and objection to the Adani Carmichael coal mine and the opening up of the Galilee Basin for coal exploitation.
- E. Council objects in the strongest terms possible to government approval, support and funding for new coal mines in Australia such as the Adani Carmichael Mine.
- F. Council writes to the Prime Minister, the Hon. Mr Scott Morrison, the Leader of the Opposition, the Hon. Mr Bill Shorten, Queensland Premier, the Hon. Ms Anastacia Palaszczuk, and local MPs the Hon. Mr Tony Abbott and the Hon. Mr Jason Falinski to express our objection to the Adani mine and alert them to the contents of this motion.

VOTING

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

AGAINST: Crs Amon, Daley, Heins and Walton

CARRIED

10.8 DRAFT OUTDOOR DINING AND FOOTPATH MERCHANDISE POLICY

NOTE: Councillor Sprott left the chamber at 9:12pm due to a declared significant non-pecuniary interest in this item.

398/18 **RESOLVED**

Cr Heins / Cr Walton

That this item be deferred to the February 2019 Ordinary Council meeting.

VOTING

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

ABSENT: Cr Sprott

CARRIED

10.9 WORKS ON PRIVATE PROPERTY 19 AND 21 OAKS AVENUE DEE WHY

NOTE 1: Councillor Sprott returned to the chamber at 9:18pm.

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

399/18 **RESOLVED**

Cr Walton / Cr Harrison

That:

- A. Council approve works to be undertaken on private property at 19 and 21 Oaks Avenue Dee Why, as part of Council's Dee Why Town Centre Streetscape Upgrades as per Section 67(2)(b) of the *Local Government Act 1993*.
- B. Council authorise the CEO to approve the variation for the amount of \$111,100.00 ex GST including 10% contingency for the proposed works and any additional expenditure up to the value of the contingency as a variation to existing Contract 2018/034.

VOTING

FOR: Unanimous

CARRIED

12.0 NOTICES OF MOTION

12.1 NOTICE OF MOTION NO 68/2018 - RETURN OF EAST ESPLANADE TO 24 HOURS ALCOHOL FREE ZONE

PROCEDURAL MOTION - MOTION BE PUT

400/18 **RESOLVED**

Cr White / Cr Regan

That the motion be now put.

VOTING

FOR: Unanimous

CARRIED

Cr Daley / Cr Harrison

That:

- A. Council commence the process under Section 632A of the *Local Government Act 1993* to have East Esplanade Manly returned to a 24-hour Alcohol Prohibited Area.
- B. The membership of the Northern Beaches Council Community Safety Committee be expanded to include a representative of the four local state members of Parliament (similar to Councils traffic committee) and that council write to these MPs inviting their participation.
- C. Council use its normal operational communications resources to disseminate information to the community regarding a summer holiday warning regarding the dangers of binge drinking and drug use particularly amongst young people.
- D. To highlight the absolute importance and urgency of this task, the Safety Committee have a special ongoing focus on Alcohol and Drug related abuse issues on the Northern Beaches.
- E. Council provide information to, and work with Accommodation providers in Manly to enhance understanding of Alcohol consumption regulations in the local area, including but not limited to Alcohol Free Zones and Alcohol Prohibited Areas.

VOTING

FOR: Crs Daley, De Luca, Harrison and Walton

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

LOST

12.2 NOTICE OF MOTION NO 69/2018 - QUEENSCLIFF STAIRS IMPROVEMENTS FROM QUEENSCLIFF COMMUNITY

401/18 **RESOLVED**

Cr Walton / Cr Regan

That:

- A. Council staff prepares a report on:
- a. The present condition of and adequacy of community accessibility of the public stairs at the northern end of the Queenscliff (Stuart Somerville) Bridge, part of the Northern Beaches Coastal Walk. This should include the safety and practicality of alternative equitable access routes to these stairs.
 - b. What action would be appropriate to bring the stairs to acceptable accessibility NSW standards and other legislative requirements of the Northern Beaches Council.
 - c. What design options could be available, in consultation with Mr Paul Oates and the Queenscliff community, to improve accessibility for wheelchairs, parents with prams, bike riders with difficulty carrying a bike up steep and long stairs, and/or other people with accessibility issue.
 - d. What funding options would be available to improve the accessibility of these stairs, including NSW and Federal Government grants, existing Section 94 contributions funds and /or improved prioritisation of the Northern Beaches coastal walk capital expenditure.
 - e. What criteria was used to assess priority capital expenditure on the Northern Beaches Coastal Walk and what ranking if any did equitable access receive. If any priority ranking exists, did the priority ranking system including the following criteria: frequency of use (pedestrian count), availability of alternative safe and convenient equitable access, prioritise Manly to Palm Beach (South to North), lack of impediments (land ownership, heritage, topography, services).
 - f. The Council investigates the cost of building an accessible inclinator next to the Queenscliff stairs and researches possible grant funds available for its construction.
- B. The report is brought back to Council within 4 months.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - MOTION OF URGENCY

NOTE 1: Councillor De Luca spoke to a motion of urgency relating to statements made during item 10.6 - Avalon Beach Reserve Dog Off-Leash Area Trial - Review.

NOTE 2: The Mayor subsequently ruled that the motion was out of order.

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The Council meeting was adjourned at 10:07pm.

402/18 **RESOLVED**

Cr Regan / Cr Heins

That in accordance with Clause 19.5 of the Code of Meeting Practice, the meeting be adjourned for 5 minutes.

VOTING

FOR: Unanimous

CARRIED

12.3 NOTICE OF MOTION NO 70/2018 - TITLE OF THE MAYOR'S END OF YEAR RECEPTION

NOTE: The Council meeting resumed at 10:12pm.

Cr Daley / Cr Amon

That:

- A. Next year (2019) the name of the Mayor's End of Year reception be changed to the Mayor's End of Year Christmas reception.
- B. The Council budget for 2019/2020 to complement "Seasons Greetings" Street flags with "Merry Christmas" Street flags.

VOTING

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

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

LOST

12.4 NOTICE OF MOTION NO 71/2018 - RENAMING OF DEE WHY ROCK POOL THE ISA WYE MBE OAM POOL

NOTE: Councillor Philpott left the Chamber at 10:00pm and returned at 10:22pm.

403/18 RESOLVED

Cr De Luca / Cr Ferguson

That:

A. Council notes:

- a. On Friday 4 January 2013, Mrs Isa Wye MBE OAM, who dedicated her life to Dee Why Ladies Amateur Swimming Club (the oldest Ladies' Swimming Club in Australia), Warringah Amateur Swimming Association, New South Wales Swimming Association, and Australian Swimming Association passed away.
- b. Mrs Wye and her family were the backbone of Dee Why since the early 1920 with her family helping to establish the Dee Why RSL Club and some of the Northern Beaches most successful sporting and community organisations, in honour of this, Council resolved to name Dee Why Beach Front Reserve after her brother in law, Ted Jackson BEM OAM.
- c. At 16 years of age, Mrs Wye became the Hon Secretary of Dee Why Ladies Amateur Swimming Club and remained on the Executive Committee until her passing in 2013 at 90 years of age having served 50 years as the Club's President.
- d. Mrs Wye was the second woman in National history to officiate at the Olympic Games in 1980, was a founder of the Warringah Amateur Swimming Association in 1965 and NSW Swimming Association in 1965 bringing Mens' and Womens' Swimming Associations together as one.
- e. Mrs Wye was also a founding member of the Manly Y Womens' Basketball Club (now Netball), the Curl Curl Youth and Community Centre and served from 1967 to 2016 on its Management Committee, Was President of the War Widows Guild Dee Why and served in a variety of other community organisations over many decades.
- f. In the 1970s together with others, Mrs Wye lobbied for the Warringah Aquatic Centre to be built and officially opened the Centre as President of Warringah Amateur Swimming Association in 1979.
- g. In honour of her outstanding service to the community she was made a Member of the Order of the British Empire (1973), was awarded the Medal of the Order of Australia 2002, the Australian Sports Medal 2000, Life Membership of the Australian Union of Old Swimmers, the Australian Union of Old Swimmers Natatorial Award, Life Membership of NSW Swimming Association, , Life Membership of Warringah Swimming Association, Life Membership of Dee Why Ladies' Amateur Swimming Club and various others awards.

B. Council resolves to:

- a. Rename the Dee Why Rock Pool the Isa Wye MBE OAM Pool in recognition of her 85 years of involvement with the Dee Why Ladies' Amateur Swimming Club.

- b. Notify the Geographical Names Board of the name change pursuant to clause Section 9.10 of the Geographical Names Board of NSW Policy – Place Naming 2018, that provides the renaming of facilities within a Reserve do not require the formal approval of the Geographical Names Board (GNB) but do require notification to be provided to them to ensure the relevant information is captured on their database.

VOTING

FOR: Unanimous

CARRIED

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 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.

13.2 QUESTION ON NOTICE NO 16/2018 - EXPENDITURE ON LEGAL MATTERS

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 Courts / Tribunals / Commissions / Mediations by Counsel?
- D. On how many occasions has Council been represented in Court / Tribunals / Commissions / Mediations by external Law Firms?

14.0 RESPONSES TO QUESTIONS ON NOTICE

14.1 RESPONSE TO QUESTION ON NOTICE NO 13/2018 - CONDITION OF SURF CLUBS ON MANLY

Submitted by: Councillor Alex McTaggart

QUESTION

As there are 3 surf club buildings on the Manly beach, Manly Life Saving Club (LSC), Steyne Surf Life Saving Club (SLSC) and Queenscliff SLSC all in varying condition.

Can a Council clarify if the asset condition analysis report by Asset Technology Pacific took into account all 3 buildings, as to ensure that Council knows its total long term replacement / refurbishment costs for the Manly beach precinct?

BACKGROUND

I note that on 16th October, Council resolved to proceed with design of a new club for Manly Life Saving Club.

At that meeting a condition report by Asset Technology Pacific into the state of the existing Manly Life Saving Club was tabled which included costing of a number of options. Further there was an identified funding shortfall.

RESPONSE

The condition report undertaken by Asset Technology Pacific was specifically targeted on reviewing the condition of the Manly Life Saving Club.

However, Council has reviewed the condition of the other surf lifesaving club buildings as part of a recent condition audit of its building portfolio, although not to the same level of detail, and this will be included within the Buildings Asset Management Plan due for completion next year.

14.2 RESPONSE TO QUESTION ON NOTICE NO 14/2018 - THE WARRIEWOOD VALLEY LAND RELEASE

Submitted by: Councillor McTaggart

QUESTION

The Warriewood Valley Land Release has not yet been finalised in terms of residential uptake, the commercial components, the various infrastructure elements outlined in the section 94 plan, the completion of the creek line corridors nor the valley community centre or required sports field.

In view of recent poor press regarding various activities in the land release area can the CEO outline the current staff strategy for coordinating all the elements of the land release and importantly outline the response process for breaches of planning controls within the valley.

RESPONSE

The Warriewood Valley Land Release Area is approximately 70% complete. Over \$58,000,000 of public infrastructure has been delivered to date via contributions collected under the Warriewood Valley Contributions Plan. Council regularly reviews the Contributions Plan to ensure that adequate public infrastructure is provided within a reasonable timeframe. The most recent update to this Plan was adopted by Council in August 2018.

Infrastructure provided via the Contributions Plan has included, among other things, the Macpherson Street bridge, 6.1 hectares of active open space areas comprising the Jacksons Road sportsgrounds and the Narrabeen High School synthetic field, and 6.76 hectares of passive open space including 3.12 hectares of rehabilitated creek corridor land.

The Contributions Plan identifies additional public infrastructure works still to be delivered to support the projected population of the Land Release Area. As development continues to occur, contributions will be collected to fund the delivery of this infrastructure.

In terms of the employment areas in the Release Area, along Ponderosa Parade and Jubilee Avenue, approximately 85% of the land has been developed. Of the remaining 15%, the majority of that land is already being used for an employment generating land use.

The coordination of development within the Land Release Area is undertaken in two stages, i) at the development assessment phase to ensure infrastructure considerations are addressed as part of the development, ii) from an infrastructure delivery perspective as part of the administration and management of the Warriewood Valley Development Contributions Plan.

Council's Compliance and Enforcement Policy and Compliance and Enforcement Guidelines establish the approaches used by Council to investigate and regulate unlawful activity, including breaches of planning controls, and apply across the Northern Beaches Local Government Area. Generally, a graduated approach is utilised however in some situations the gravity of the incident or circumstances necessitate that an escalated approach be used and can result in immediate regulatory action or multiple actions in conjunction with each other.

The Compliance Guidelines provide additional information on Council's role under different legislation including the Environmental Planning and Assessment Act 1979, setting out various scenarios and related compliance options. These include dealing with unauthorised building works, pollution incidents, tree preservation matters and native vegetation clearing.

Council has established specialist teams to undertake investigations and regulate unlawful activity including arrangements to respond to critical issues outside of normal business hours.

15.0 CONFIDENTIAL MATTERS – CLOSED SESSION

NOTE 1: At 10:30pm the open session of Council was adjourned and Council resolved into closed session in accordance with requirements of section 10A of the Local Government Act 1993 with the public and press excluded to address the following items:

- a. *Item 15.1 Accelerated Replacement of Ausgrid Residential Street Lights with LED Lights on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].*

This report discusses a commercial offer and the disclosure of this matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

- b. *Item 15.4 Glen Street Theatre - Future Use of Former Restaurant Space on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993]; and commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].*

This report discusses commercial operations of a business and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would provide commercial in confidence information.

NOTE 2: The resolutions made by Council in Closed Session were made public following the conclusion of the closed session.

PROCEDURAL MOTION – ADJOURN THE OPEN SESSION OF COUNCIL

404/18 **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

16.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

NOTE: At 10:43pm the meeting resumed into open session of Council and the Chief Executive Officer reported that the following resolutions were passed in closed session of Council.

15.1 ACCELERATED REPLACEMENT OF AUSGRID RESIDENTIAL STREET LIGHTS WITH LED LIGHTS

405/18 **RESOLVED**

Cr McTaggart / Cr Regan

That:

- A. Council note the significant benefit for the Northern Beaches community of the accelerated streetlighting replacement program including:
- providing more effective lighting that is better distributed in the road reserve, is a high quality white light and will substantially improve compliance outcomes
 - delivering an 80.5 % reduction in greenhouse gas emissions (a total greenhouse gas emissions saving of approximately 3000 t CO₂-e/yr), significantly reduced light pollution to the night sky and the elimination of mercury-containing lamps
 - delivering cost savings for Council of \$1,786,305 in today's dollars over the next ten years from a combination of a 80.5% reduction in energy consumption compared to the lights being replaced (a total energy saving of almost 3156 MWhr/yr), lower maintenance costs, and a lower cost of capital.
- B. Council accept Ausgrid's proposal for the accelerated replacement of 9,363 Ausgrid lights on residential roads over the current and next two financial years based on the upfront payment model.
- C. Council approve the allocation of \$4,409,469 plus 10% contingencies to be delivered in 2018/19, 2019/20 and 2020/21 based on the following estimated annual expenditure:
- 2018/19 - \$881,900
 - 2019/20 - \$3,086,600
 - 2020/21 - \$440,969.
- D. Council claim energy savings certificates through the NSW Energy Savings Scheme (estimated at \$665,477) to offset the upfront capital and residual project costs.
- E. Council authorise the Chief Executive Officer to carry out all things necessary to give effect to this resolution.

VOTING

FOR: Unanimous

CARRIED

15.4 GLEN STREET THEATRE - FUTURE USE OF FORMER RESTAURANT SPACE

406/18 **RESOLVED**

Cr Heins / Cr Regan

That:

- A. Council undertake a feasibility study and business case for the operation of a performance/entertainment space, with a food and beverage offering, in the former restaurant space at Glen Street Theatre.
- B. Council endorse the use of the former restaurant site at Glen Street Theatre as a pop-up performance and hire space during the development of the feasibility study and business case.
- C. Community consultation be undertaken prior to commencement of any feasibility study.

VOTING

FOR: Unanimous

CARRIED

The meeting concluded at 10:46pm

This is the final page of the minutes comprising 29 pages
numbered 1 to 29 of the Ordinary Council Meeting
held on Tuesday 18 December 2018 and confirmed on Tuesday 26 February 2019

Mayor

Chief Executive Officer