



northern
beaches
council

MINUTES

RECONVENED COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 4 SEPTEMBER 2018
(RECONVENED FROM TUESDAY 28 AUGUST 2018)

**Minutes of a part of an Ordinary Meeting of Council
held on Tuesday 4 September 2018
(Reconvened from Tuesday 28 August 2018)
at the Civic Centre, Dee Why
Commencing at 7:08pm**

ATTENDANCE:

Councillors

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

Officers

Ben Taylor	Acting Chief Executive Officer
Helen Lever	General Manager Customer and Corporate
David Kerr	General Manager Planning Place and Community
Todd Dickinson	Acting General Manager Environment and Infrastructure
Sonya Gallery	Executive Manager Governance and Risk
Campbell Pfeiffer	Executive Manager Property
Eskil Julliard	General Counsel
Melissa Lee	Manager Governance
Jasmine Evans	Governance Officer
Don Morales	Information Management Technology Officer

Notes

The reconvened meeting commenced at 7:08pm, moved into closed session at 7:11pm, adjourned at 8:43pm, resumed at 8:54pm, resumed in open session at 9:12pm and concluded at 9:29pm.

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

PROCEDURAL MOTION - APOLOGY

247/18 RESOLVED

Cr Heins / Cr Ferguson

That an apology be received from Councillor Bingham.

VOTING

FOR: Unanimous

CARRIED

3.0 DISCLOSURES OF INTEREST

NOTE: As the meeting is reconvened all previous disclosures advised by Councillors from 28 August 2018 remain in effect.

- 3.1 Councillor Regan, at the commencement of the item, declared a less than significant non-pecuniary interest in relation to item 15.2 Notice of Rescission No 04/2018 – RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities. The reason provided by Councillor Regan was:

“I consider it prudent to take the most precautionary approach and declare the above in view of the media speculation from last meeting of Council [28 August 2018] on the facts that I have had discussions with members of the Warringah Golf Club during / pre-election of Council regarding retention of 18 holes of golf and had a member on my ticket”.

15.0 CONFIDENTIAL MATTERS – CLOSED SESSION

NOTE: Councillor Daley left the chamber at 7:10pm.

248/18 RESOLVED

Cr Regan / Cr Ferguson

That:

- A. In accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
- a. **Item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities** 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*].

- B. That the resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.

VOTING

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

AGAINST: Cr De Luca

ABSENT: Cr Daley

CARRIED

16.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

15.2 NOTICE OF RESCISSION NO 04/2018 - RFT 2017/208 - DISTRICT PARK NEW SPORT AND COMMUNITY FACILITY AND LONG TERM LEASE OF EXISTING FACILITIES

NOTE: Councillor Daley declared a significant non-pecuniary interest and was not present for this item.

250/18 RESOLVED

Cr Regan / Cr Heins

That:

- A. Council note, as informed by the 2016 Community Engagement Report, the following principles in relation to the 'District Park' Tender:
- a. the expressed desire of the community for a combined/ "country club" type facility to encourage community and social interaction.
 - b. experience in sport and community facility management.
 - c. sound financial capacity, structure and management.
 - d. a long-term commitment.
 - e. public and affordable access to the sporting and community facilities.
 - f. multiple use by a range of user groups.
 - g. the needs of existing sporting groups, while avoiding the potential displacement of current users and loss of identity of individual sporting groups.
 - h. maintenance of existing sporting facilities and buildings (to improve their current condition).
- B. Council reconfirm its strong support for the District Park remaining in public ownership with an 18 hole golf course whilst also enhancing the site with a multi-sports facility for the whole community that is professionally run and enjoyed by a range of sports users.
- C. Council facilitate meeting between the Warringah golf club and North Manly bowling club with a view to the Golf Club managing the Bowling Club facility and at least two greens under a one year lease up to 1 September 2019.

- D. Council, in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, declines to accept any of the tenders received for RFT 2017/208 - New Sport and Community Facility and Long Term Lease of Existing Facilities (including Golf Course) at District Park, North Manly.
- E. In accordance with clause 178(4)(a) of the Regulation, Council's reasons for declining to invite fresh tenders or applications are that this would not result in a significantly different outcome and would not result in an improved result for Council.
- F. Council, in accordance with clause 178(3)(e) of the Regulation, enter into negotiations with the top ranked tenderer, Arena REIT Management Limited (ABN 28 600 069 761) with a view to entering into a lease agreement in relation to the subject matter of the tender.
- G. In accordance with clause 178(4)(b) of the Regulation, Council's reasons for determining to enter into negotiations with the persons referred to at F are:
- a. the tender of Arena REIT Management Limited is the closest to fulfilling Council's service expectations, with a significant margin between that and the second ranked tender.
 - b. the evaluation identified some areas of further clarification and negotiation, which will not, in Council's opinion, be resolved by further tender clarifications.
- H. Council applies for consent from the Minister for Local Government, for the purpose of Section 47 of the Local Government Act 1993, to lease to Arena REIT Management Limited the Community Land area known as Lot 1, 3, 5 and 7 DP 829465 within District Park for a term of 30 years, noting that Council may elect not to proceed with the lease extensions over Lot 1 DP 829465 in 2022, 2027, 2032, 2037, 2042, 2047.
- I. Council authorises the Chief Executive Officer to make the application to the Minister for Local Government.
- J. Council authorises the Chief Executive Officer to carry out all things necessary to give effect to this resolution, including the execution of any required documentation under power of attorney.
- K. Council management arrange a workshop for the governing body of the Northern Beaches Council, to establish the Council's strategic intent with any future conversion or lease of public land to private use. This workshop to include the operational, economic, social and environmental impacts on affected communities and stakeholders of public land being considered by conversion or lease. This workshop is to be conducted before 30 November 2018.

VOTING

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

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

ABSENT: Cr Daley

CARRIED

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 09/2018 - PROPOSED FEE WAIVER FOR THE HIRE OF BROOKVALE OVAL - EXHIBITION GAME SUPPORTING THE INVICTUS GAMES

NOTE 1: Councillor Daley returned to the chamber at 9:14pm.

NOTE 2: Councillor Sprott left the chamber at 9:15pm and returned at 9:17pm.

252/18 **RESOLVED**

Cr Regan

That Council waives the applicable fee of \$5,720 for the use of Brookvale Park for the exhibition rugby union match between the Manly Marlins and the Australian Navy Rugby team on Saturday 22 September 2018.

VOTING

FOR: Unanimous

CARRIED

10.0 ENVIRONMENT AND INFRASTRUCTURE DIVISION REPORTS

10.1 APPLICATION FOR EASEMENTS OVER COUNCIL DRAINAGE RESERVE - OAKS AVENUE, DEE WHY (LOT 2 DP 587690)

253/18 **RESOLVED**

Cr Regan / Cr Sprott

That:

- A. Council authorises, subject to Item C of this recommendation, the Chief Executive Officer to negotiate appropriate size, terms and conditions for the proposed easements and associated Positive Covenant(s) referred to in this Council report, over Council's Drainage Reserve Lot 2 DP 587690, in favour of the owner of 884-896 Pittwater Road, Dee Why.
- B. Council authorises the carrying out of all things necessary to give effect to this resolution including the execution of any required documentation under power of attorney.
- C. Council authorises all costs associated with the granting of the proposed easements and associated Positive Covenant(s) as referred to in Item A of this recommendation, including but not limited to, Council's legal costs, GST if applicable, survey costs and document registration, be funded by the applicant.

VOTING

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

AGAINST: Cr De Luca

CARRIED

PROCEDURAL MOTION - MOTION OF URGENCY

NOTE 1: Councillor Daley spoke to a motion of urgency relating to drought relief.

NOTE 2: The Mayor ruled the motion was not a matter of great urgency.

The meeting concluded at 9:29pm

This is the final page of the minutes comprising 7 pages
numbered 1 to 7 of the Reconvened Council Meeting
held on Tuesday 4 September 2018 and confirmed on Tuesday 25 September 2018

Mayor

Acting Chief Executive Officer