



northern  
beaches  
council

# MINUTES

## **EXTRAORDINARY COUNCIL MEETING**

held at the Civic Centre, Dee Why on

**TUESDAY 17 JULY 2018**

**Minutes of an Extraordinary Meeting of Council  
held on Tuesday 17 July 2018  
at the Civic Centre, Dee Why  
Commencing at 6:00pm**

**ATTENDANCE:**

**Councillors**

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

**Officers**

Helen Lever	Acting Chief Executive Officer
Ben Taylor	General Manager Environment & Infrastructure
David Kerr	General Manager Planning Place & Community
Kate Lewis	Acting General Manager Customer & Corporate
Tracey Bennett	Acting Executive Manager Governance & Risk
Sherryn McPherson	Governance Coordinator
Annie Laing	Governance Officer
Don Morales	Information Management Technology Officer
Sylwia Stafford	Information Technology Service Desk Support Officer

**Notes**

The meeting commenced at 6:00pm, adjourned at 6:08pm, moved into closed session at 6:09pm, resumed in open session at 7:03pm and concluded at 7:12pm.

## 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

### 2.1 APOLOGIES

197/18 **RESOLVED**

**Cr Walton / Cr Regan**

That apologies from Councillors Ferguson and Sprott be received.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 3.0 DISCLOSURES OF INTEREST

3.1 Councillor Daley declared a less than significant non-pecuniary interest in relation to Matter of Urgency – Planning Proposal 2 Macpherson Street, Warriewood Amendment to the Pittwater LEP 2014. Councillor Daley chose to remain in the meeting and participate in the voting and discussion on this Item. The reason provided by Councillor Daley was:

“My sons wife and I own property in Warriewood. Not impacted in any way however I simply put this on the record”.

## 4.0 CONFIDENTIAL MATTERS – CLOSED SESSION

### PROCEDURAL MOTION – MOVE INTO CLOSED SESSION OF COUNCIL

*NOTE: At 6:09pm the open session of Council was adjourned and Council resolved into closed session in accordance with the requirements of Section 10A of the Local Government Act 1993 with the public and press excluded to address the following Item:*

***Item 4.1 Mayoral Minute No 08/2018 - Personnel Matter*** on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) Local Government Act 1993].

198/18 **RESOLVED**

***Cr Regan / Cr Bingham***

That Council adjourn the open session of Council and commence in closed session with the press and public excluded.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 5.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

### 4.1 MAYORAL MINUTE NO 08/2018 - PERSONNEL MATTER

199/18 **RESOLVED**

***Cr Regan***

That:

- A. The Selection Panel's preferred candidate be offered the position of Chief Executive Officer of Northern Beaches Council and the Mayor and Deputy Mayor be authorised to finalise negotiations on a five year performance based contract commencing 1 October 2018.
- B. No public announcement of the name of the successful candidate be made until the Mayor has received a written acceptance of the offer from the preferred candidate.
- C. The employment contract between the employee and Council be executed by the Mayor.

#### **VOTING**

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

**AGAINST:** Cr De Luca

**CARRIED**

## PROCEDURAL MOTION – RESUME OPEN SESSION

*NOTE 1: At 7:03pm the meeting resumed into open session of Council.*

*NOTE 2: Councillor Warren left the chamber at 7:03pm and did not return.*

200/18 **RESOLVED**

***Cr Regan / Cr Bingham***

That Council resume into open session.

### VOTING

**FOR:** Unanimous

**CARRIED**

## PROCEDURAL MOTION – MATTER OF URGENCY

201/18 **RESOLVED**

***Cr De Luca / Cr Daley***

That as a matter of urgency, Council considers the following motion in relation to the recent decision of the Sydney North Planning Panel regarding 2 MacPherson Street, Warriewood and an amendment to the Pittwater Local Environment Plan 2014.

*That:*

- A. *Council seek urgent advice from Counsel as to the prospects of overturning the decision of the Sydney North Planning Panel.*
- B. *Council write to the Minister for Planning and all local State MPs expressing Council's concern regarding the Panel's decision in view of the flood risk as outlined in past reports to Pittwater Council and formally request the plan not be made.*

### VOTING

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

**AGAINST:** Cr Philpott

**CARRIED**

**MOTION OF URGENCY - PLANNING PROPOSAL 2 MACPHERSON STREET, WARRIEWOOD  
AMENDMENT TO THE PITTWATER LEP 2014**

*NOTE 1: Councillor Regan left the chamber at 7:11pm and did not return.*

*NOTE 2: Councillor Bingham assumed the Chair at 7:11pm.*

*NOTE 3: Councillor Daley declared a less than significant non-pecuniary interest in this Item.*

**202/18 RESOLVED**

***Cr De Luca / Cr Heins***

That:

- A. Council seek urgent advice from Counsel as to the prospects of overturning the decision of the Sydney North Planning Panel.
- B. Council write to the Minister for Planning and all local State MPs expressing Council's concern regarding the Panel's decision in view of the flood risk as outlined in past reports to Pittwater Council and formally request the plan not be made.

**VOTING**

**FOR:** Crs Amon, Bingham, Daley, De Luca, Grattan, Harrison, Heins, McTaggart, Walton and White

**AGAINST:** Cr Philpott

**ABSENT:** Cr Regan

**CARRIED**

*The meeting concluded at 7:12pm.*

This is the final page of the minutes comprising 6 pages  
numbered 1 to 6 of the Extraordinary Council Meeting  
held on Tuesday 17 July 2018 and confirmed on Tuesday 28 August 2018

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Mayor

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Acting Chief Executive Officer