



northern  
beaches  
council

# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 25 SEPTEMBER 2018**

**Minutes of an Ordinary Meeting of Council  
held on Tuesday 25 September 2018  
at the Civic Centre, Dee Why  
Commencing at 6:30pm**

**ATTENDANCE:**

**Councillors**

Michael Regan (Mayor)  
Candy Bingham (Deputy 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 (*arrived at 8:12pm*)  
Natalie Warren (*arrived at 7:27pm*)  
Ian White

**Officers**

David Kerr	Acting Chief Executive Officer
Helen Lever	General Manager Customer and Corporate
Ben Taylor	General Manager Environment and Infrastructure
Melissa Messina	Acting General Manager Planning Place and Community
Kylie Walshe	Executive Manager Community, Arts and Culture
David Walsh	Chief Financial Officer
Steven Lawler	Executive Manager Parks and Recreation
Andrew Pigott	Executive Manager Strategic Place Planning
Adrian Turnbull	Acting Executive Manager Natural Environment and Climate Change
Melissa Lee	Manager Governance
Sherryn McPherson	Coordinator Governance
Jasmine Evans	Governance Officer
Don Morales	IT Officer Administration and Special Projects
Sylwia Stafford	Service Delivery Officer

**Notes**

The meeting commenced at 6:30pm, adjourned at 8:45pm, resumed at 8:55pm and concluded at 10:19pm.

## 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

*NOTE: The Mayor advised that Councillors Walton and Warren would arrive late to the meeting.*

## 3.0 CONFIRMATION OF MINUTES

### 3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 28 AUGUST 2018

254/18 **RESOLVED**

***Cr Harrison / Cr Grattan***

That the Minutes of the Ordinary Council Meeting held 28 August 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, Daley, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott and White

**ABSENT:** Crs Walton and Warren

***CARRIED***

### 3.2 MINUTES OF RECONVENED COUNCIL MEETING HELD 4 SEPTEMBER 2018 (RECONVENED MEETING OF 28 AUGUST 2018)

255/18 **RESOLVED**

***Cr Ferguson / Cr Heins***

That the Minutes of the Reconvened Council Meeting held 4 September 2018 (reconvened from 28 August 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, Daley, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott and White

**ABSENT:** Crs Walton and Warren

***CARRIED***

## 4.0 DISCLOSURES OF INTEREST

- 4.1 Councillor Regan declared a less than significant non-pecuniary interest in relation to item 11.2 – Dee Why Town Centre Planning Proposal and Draft 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.”*

- 4.2 Councillor Daley declared a less than significant non-pecuniary interest in relation to item 11.2 – Dee Why Town Centre Planning Proposal and Draft Development Control Plan. Councillor Daley chose to take part in the discussion and voting on this item. The reason provided by Councillor Daley was:

*“Owns property in Dee Why”*

- 4.3 Councillor Regan declared a significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. Councillor Regan chose to take no part in the discussion or voting on this item. The reason provided by Councillor Regan was:

*“Due to my association with a number of RSL sporting clubs as a member. On occasion I undertake negotiations with a number of clubs in this area to secure sponsorship funding for the sporting clubs I am associated with.”*

- 4.4 Councillor Daley declared a less than significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. Councillor Daley chose to take part in the discussion and voting on this item. The reason provided by Councillor Daley was:

*“Member Dee Why RSL Club, Harbord Diggers and Totem Club. The Alliance for Gambling Reform has been involved with this report and the Salvos member of the Alliance. I am employed by the Salvos. I have also worked closely with clubs in developing Harm Minimisation Strategies. This involvement has included the establishment of the first problem gambling centre in New South Wales and the deployment of front line Salvation Army Chaplains in Clubs in an effort to reduce the harm being caused by pokies.”*

- 4.5 Councillor Grattan declared less than significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. Councillor Grattan chose to take part in the discussion and voting on this item. The reason provided by Councillor Grattan was:

*“I am a member of two registered clubs (Diggers and Balgowlah RSL). I have also attended two meetings with representatives of Clubs and Clubs NSW in relation to their Harm Minimisation Strategy. It won't affect my vote.”*

- 4.6 Councillor White declared less than significant non-pecuniary interest in relation to Item 11.4 – Gambling and Poker Machine Harm Management. Councillor White chose to take part in the discussion and voting on this item. The reason provided by Councillor White was:

*“Member of Pittwater, Dee Why, RSL and Palm Beach Golf Club.”*

- 4.7 Councillor Amon declared a less than significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. 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 various clubs and have been lobbied by parties for and against the agenda item. My impartiality is not impacted.”*

- 4.8 Councillor Heins declared a less than significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. Councillor Heins chose to take part in the discussion and voting on this item. The reason provided by Councillor Heins was:

*“Member of one club on the Northern Beaches and will not affect my ability to vote on this item.”*

- 4.9 Councillor McTaggart declared a less than significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. Councillor McTaggart chose to take part in the discussion and voting on this item. The reason provided by Councillor McTaggart was:

*“I am a member of Palm Beach RSL, Avalon RSL and Avalon Bowling Club.”*

- 4.10 Councillor Bingham declared a less than significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. Councillor Bingham chose to take part in the discussion and voting on this item. The reason provided by Councillor Bingham was:

*“I am a member of a number of local clubs and have met with representatives from the club industry and Gambling Alliance in connection with this matter.”*

- 4.10 Councillor De Luca declared a less than significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. Councillor De Luca chose to take part in the discussion and voting on this item. The reason provided by Councillor De Luca was:

*“Member Dee Why RSL Club, Totem Club Balgowlah and minor share holder in the Star Group for less than \$1000. My impartiality is not compromised.”*

- 4.11 Councillor Ferguson declared a less than significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. Councillor Ferguson chose to take part in the discussion and voting on this item. The reason provided by Councillor Ferguson was:

*“I am a member of multiple RSL Clubs on the beaches.”*

- 4.12 Councillor Sprott declared a less than significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. Councillor Sprott chose to take part in the discussion and voting on this item. The reason provided by Councillor Sprott was:

*“I am a member of three local clubs”*

- 4.13 Councillor Harrison declared a less than significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. Councillor Harrison chose to take part in the discussion and voting on this item. The reason provided by Councillor Harrison was:

*“I am a member of the Dee Why and Forestville RSL Clubs. My membership with these clubs will not affect my impartiality to vote on the item.”*

- 4.14 At the commencement of the item, Councillor Warren declared a less than significant non-pecuniary interest in relation to item 11.4 – Gambling and Poker Machine Harm Management. Councillor Warren chose to take part in the discussion and voting on this item. The reason provided by Councillor Warren was:

*“In bringing the original motion and in preparation for tonight’s meeting I have had discussions with Alliance for Gambling Reform which does work closely with the Greens of which I am a member. A member of the Harbord Diggers RSL club as my mother’s group meets there.”*

- 4.15 At the commencement of the item, Councillor Ferguson declared less than significant non-pecuniary interest in relation to item 12.4 – Notice of Motion 54/2018 – NSW Marine Estate Reforms. Councillor Ferguson chose to take part in the discussion and voting on this item. The reason provided by Councillor Ferguson was:

*“I am a boat owner that fishes in Pittwater.”*

## 5.0 PUBLIC FORUM AND PUBLIC ADDRESS

*NOTE 1: The Mayor requested each speaker to acknowledge they had been informed that the meeting was to be webcast live and that Council accepts no responsibility for any defamatory comments made.*

*NOTE 2: Councillor Regan left the chamber at 7:23pm having declared a significant non-pecuniary interest in item 11.4 - Gambling and Poker Machine Harm Management.*

*NOTE 3: Councillor Bingham assumed the Chair at 7:24pm.*

*NOTE 4: Councillor Warren joined the meeting at 7:27pm.*

*NOTE 5: Councillor De Luca left the chamber at 7:29pm and returned at 7:33pm.*

*NOTE 6: Councillor Regan returned to the chamber at 7:33pm and resumed the Chair.*

*NOTE 7: Councillor Bingham left the chamber at 7:34pm and returned at 7:37pm.*

*NOTE 8: Councillor Ferguson left the chamber at 7:43pm and returned at 7:44pm.*

### PUBLIC FORUM SPEAKERS:

- 5.1 Michael Cook (on behalf of the members of Balgowlah Golf Club) addressed Council in regard to the potential loss of club and green space to the local community.
- 5.2 Jo Casserly addressed Council in regard to the proposed link road and the use of green space for the construction of the Northern Beaches tunnel.
- 5.3 David Parsons addressed Council in regard to governance.
- 5.4 Bruce Kitson addressed Council in regard to transparency and the Andrew Boy Charlton swimming pool.
- 5.5 Tony Backhouse addressed Council in regard to moving the combined Council chambers and offices to a more central location.

- 5.6 Kiril Goring-Siebert addressed Council in regard to the proposed clearway on Condamine Street, Manly Vale.
- 5.7 Mary Gambrell addressed Council in regard to small business, clearways and patronage of Manly Vale.
- 5.8 Lynne Czinner addressed Council in regard to retaining emergency, maternity and acute services at Mona Vale Hospital.

#### PROCEDURAL MOTION - EXTENSION OF TIME

256/18 **RESOLVED**

##### ***Cr Amon / Cr De Luca***

That Lynne Czinner be granted an extension of one minute to address the meeting.

#### VOTING

**FOR:** Crs Amon, Daley, De Luca, Ferguson, Heins, McTaggart, Philpott, Sprott and White

**AGAINST:** Crs Bingham, Grattan, Harrison and Regan

**ABSENT:** Crs Walton and Warren

#### **CARRIED**

- 5.9 David Murray addressed Council in regard to the Mona Vale Hospital Emergency Department.

#### PUBLIC ADDRESS SPEAKERS:

**5.10 Item 10.3 Results of Public Exhibition on Proposal to Name a Reserve - Ocean Street, Narrabeen to Surfrider Gardens**

Brendan Donohoe and Tom Kirsop addressed Council in support of this item.

**5.11 Item 11.2 Dee Why Town Centre Planning Proposal and Draft Development Control Plan**

Kevin Begaud addressed Council speaking against the item and Richard Michell addressed Council in support of this item.

**5.12 Item 11.4 Gambling and Poker Machine Harm Management**

Angus Rimmer and Michael Pascuzzo addressed Council speaking against the item and Joy Van Duinen addressed Council in support of this item.

**5.13 Item 11.5 Creative Art Space North - Site Assessment**

Roslyn Marsh and Robyn Forsythe addressed Council speaking against the item and Lorrie Morgan addressed Council in support of this item.

**5.14 Item 12.3 Notice of Motion No 53/2018 - Thank you Pedestrian Council of Australia**

Harold Scruby addressed Council in support of this item.

**5.15 Item 12.4 Notice of Motion No 54/2018 - NSW Marine Estate Reforms**

Catherine Griffin addressed Council in support of this item.

**6.0 ITEMS RESOLVED BY EXCEPTION**

257/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That items 8.3, 9.1, 9.3, 9.4, 10.2, 10.3, 10.4, 10.5, 11.1, 11.3, 11.7, 11.8 and 11.9 are dealt with by exception with the recommendations of the Chief Executive Officer / General Managers being adopted.

**VOTING**

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

**ABSENT:** Crs Walton and Warren

**CARRIED**

**8.3 MONTHLY INVESTMENT REPORT - AUGUST 2018**

258/18 **RESOLVED**

***Cr Regan / Cr Grattan***

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

**RESOLVED BY EXCEPTION**

**9.1 CUSTOMER SERVICE CENTRES REVIEW REPORT**

259/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That:

- A. Council note the report including factors and trends affecting customer service.
- B. Council continue to invest in and explore digital services for its customers.
- C. Council continue to monitor trends and collect data regarding Customer Service needs across all service centres and as necessary report to Council on recommendations arising from this work.
- D. Council continue to include consideration of a new Customer Contact Centre as part of the proposed town centre redevelopment adjacent to the Frenchs Forest Hospital.

**RESOLVED BY EXCEPTION**



**9.3 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT**

260/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That Council note that payments totalling \$3440 have been allocated by the Northern Beaches Council Discretionary Fund for the period 27 June 2018 to 25 September 2018.

***RESOLVED BY EXCEPTION***

**9.4 CONFIRMED MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD ON 15 MAY 2018**

261/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee Meeting held on 15 May 2018.

***RESOLVED BY EXCEPTION***

**10.2 ADOPTION OF THE PLAN OF MANAGEMENT FOR 3 BOONDAH ROAD, WARRIEWOOD AND CONCEPT PLAN**

262/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That Council adopt the Plan of Management for 3 Boondah Road, Warriewood.

***RESOLVED BY EXCEPTION***

**10.3 RESULTS OF PUBLIC EXHIBITION ON PROPOSAL TO NAME A RESERVE - OCEAN STREET, NARRABEEN TO SURFRIDER GARDENS**

263/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That:

- A. Council note the report on the submissions made during the public exhibition.
- B. Council apply to the Geographical Names Board to name the reserve Surfrider Gardens.
- C. Council authorise the Chief Executive Officer or delegate to respond to the Geographical Names Board if the application receives objections.

***RESOLVED BY EXCEPTION***

**10.4 1417 PITTWATER ROAD, NARRABEEN - PROPOSED EASEMENT TO AUSGRID FOR ELECTRICITY PURPOSES**

264/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That:

- A. Council authorises an Easement for Electricity Purposes within Council's Operational Land at 1417 Pittwater Road, Narrabeen (Part Lot A DP 445551) at nominal consideration to Ausgrid for the area surrounding the existing electricity pillar and to waive Council's application fee and minimum compensation fee for the creation of the easement.
- B. Council authorises the carrying out of all things necessary to give effect to this resolution, including the execution of any required documentation, including a Deed of Agreement for Easement prior to the formal granting of the subject Easement for Electricity Purposes, under power of attorney.

**RESOLVED BY EXCEPTION**

**10.5 ROAD RESERVE CLOSURE AND DEDICATION - FRENCHS FOREST ROAD WEST, FRENCHS FOREST**

265/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That:

- A. Council authorise compulsory acquisition by agreement by Roads & Maritime Services of the Council public road being Lot 501 DP 1214811 Frenchs Forest Road, Frenchs Forest (337.5m<sup>2</sup>), at no cost, subject to Roads & Maritime Services:
  - a. Dedicating Lot 502 DP 1214811 Frenchs Forest Road, Frenchs Forest (420.8m<sup>2</sup>) to Council as public road at no cost.
  - b. Dedicating the new signalised vehicular entrance to the Forest High School site on Frenchs Forest Road opposite Bluegum Crescent (approx. 190m<sup>2</sup>) to Council as public road (as illustrated in Attachment 2 &3 to this report) at no cost.
  - c. Being responsible for any existing services within Lot 501 DP 1214811.
- B. Council authorise the carrying out of all things necessary to give effect to this resolution including the execution of any required documentation under power of attorney.

**RESOLVED BY EXCEPTION**

**11.1 AMENDMENTS TO DEVELOPMENT CONTROL PLANS IN RELATION TO THE MANAGEMENT OF TREES AND WASTE**

266/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That Council adopt the amendments to the Manly Development Control Plans (DCP) 2013, Pittwater DCP 2014, Warringah DCP 2011 and Warringah DCP 2000.

**RESOLVED BY EXCEPTION**

**11.3 REPORTING VARIATION TO DEVELOPMENT STANDARDS - SEPP1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS**

267/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That Council notes the development applications granted approval with variations to development standards during the period 1 April 2018 to 30 June 2018.

**RESOLVED BY EXCEPTION**

**11.7 FIRE & RESCUE NSW INSPECTION REPORT - 3 GRAFTON CRESCENT, DEE WHY**

268/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That:

- A. Council does not issue a Fire Safety Order to the owner(s) of No. 3 Grafton Crescent, Dee Why.
- B. Council provide notice to Fire & Rescue NSW of this determination.

**RESOLVED BY EXCEPTION**

**11.8 FIRE & RESCUE NSW INSPECTION REPORT - 13 GRAFTON CRESCENT, DEE WHY**

269/18 **RESOLVED**

***Cr Regan / Cr Grattan***

That:

- A. Council issue Fire Safety Order number 1 pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to require the owner(s) of No. 13 Grafton Crescent, Dee Why to provide a BCA Fire Safety Audit and Upgrade Report for the building to Council.
- B. Council provide notice to Fire & Rescue NSW of this determination.

**RESOLVED BY EXCEPTION**

## 11.9 FIRE & RESCUE NSW INSPECTION REPORT - 10 OAKS AVENUE, DEE WHY

270/18 **RESOLVED**

**Cr Regan / Cr Grattan**

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 owner(s) of 10-12 Oaks Avenue, Dee Why to provide a BCA Fire Safety Audit and Upgrade Report for the building to Council.
- B. Council provide notice to Fire & Rescue NSW of this determination.

**RESOLVED BY EXCEPTION**

## PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

*NOTE 1: Councillor Regan left the chamber at 7:55pm having declared a significant non-pecuniary interest in item 11.4 – Gambling and Poker Machine Harm Management.*

*NOTE 2: Councillor Bingham assumed the Chair.*

*NOTE 3: Councillor Regan returned to the chamber at 7:57pm and resumed the Chair.*

271/18 **RESOLVED**

**Cr De Luca / Cr Daley**

That the Order of Business be changed so items 11.4 and 11.5 be brought forward and dealt with immediately.

### VOTING

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

**AGAINST:** Crs Grattan, Warren and Harrison

**ABSENT:** Cr Regan and Walton

**CARRIED**

#### 11.4 GAMBLING AND POKER MACHINE HARM MANAGEMENT

*NOTE 1: Councillor Regan left the chamber at 7:58pm having declared a significant non-pecuniary interest in this item.*

*NOTE 2: Councillors Amon, Bingham, Daley, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Sprott, White and Warren declared a less than significant non-pecuniary interest in this Item.*

*NOTE 3: Councillor Bingham assumed the Chair.*

*NOTE 4: Councillor Heins left the chamber at 7:59pm and returned at 8:00pm.*

*NOTE 5: Councillor Walton joined the meeting at 8:12pm.*

*NOTE 6: Councillor Amon left the chamber at 8:31pm and returned at 8:32pm.*

*NOTE 7: Councillor Grattan left the chamber at 8:41pm and returned at 8:43pm.*

*NOTE 8: Councillor Philpott left the chamber at 8:41pm and returned at 8:43pm.*

*NOTE 9: Councillor Heins left the chamber at 8:41pm and returned at 8:43pm.*

#### **Cr Daley / Cr Warren**

#### **MOTION**

That:

- A. Council adopt the draft Gambling and Poker Machine Harm Management Policy.
- B. Council adopt the draft Gambling and Poker Machine Management Plan subject to the deletion of Point 7 in relation to applying or renewing leases on Council property.
- C. Council delegate the role of Council representative on the Local ClubGrants Committee to the Chief Executive Officer.
- D. Council to acknowledge the document from the Clubs on the Northern Beaches and Responsible Gambling Strategy that pledges commitment to responsible conduct of gambling and harm minimisation through specific measures.

#### **AMENDMENT**

#### **Cr McTaggart / Cr Ferguson**

That this item be deferred to the next Council meeting so Council staff can meet with the representatives of the Club community with a view to providing agreed positions to allow the Council to further consider this matter.

#### **VOTING**

**FOR:** Crs Amon, Ferguson, Grattan, McTaggart, Philpott, Sprott and Walton

**AGAINST:** Crs Bingham, Daley, De Luca, Harrison, Heins, Warren and White

**ABSENT:** Cr Regan

***There being an equal number of votes, the Deputy Mayor used her casting vote against the amendment, which was declared LOST. The substantive motion remained.***

**272/18 RESOLVED*****Cr Daley / Cr Warren***

That:

- A. Council adopt the draft Gambling and Poker Machine Harm Management Policy.
- B. Council adopt the draft Gambling and Poker Machine Management Plan subject to the deletion of Point 7 in relation to applying or renewing leases on Council property.
- C. Council delegate the role of Council representative on the Local ClubGrants Committee to the Chief Executive Officer.
- D. Council to acknowledge the document from the Clubs on the Northern Beaches and Responsible Gambling Strategy that pledges commitment to responsible conduct of gambling and harm minimisation through specific measures.

**VOTING****FOR:** Crs Bingham, Daley, De Luca, Grattan, Harrison, Heins, Warren and White**AGAINST:** Crs Amon, Ferguson, McTaggart, Philpott, Sprott and Walton**ABSENT:** Cr Regan***CARRIED*****PROCEDURAL MOTION – ADJOURN THE MEETING****273/18 RESOLVED*****Cr Bingham / Cr Ferguson***

That the meeting be adjourned for 10 minutes and resume at 8:55pm.

**VOTING****FOR:** Unanimous**ABSENT:** Cr Regan***CARRIED***

## 11.5 CREATIVE ART SPACE NORTH - SITE ASSESSMENT

*NOTE 1: The meeting resumed at 8.55pm with Councillor Regan resuming the Chair.*

*NOTE 2: All Councillors with the exception of Councillor Daley returned to the chamber following the adjournment of the meeting.*

274/18 **RESOLVED**

**Cr Regan / Cr Ferguson**

That:

- A. Council endorse the exhibition of the draft concept design for the proposed Creative Art Space North at the site of the Annexe Building, Dunbar Park, Avalon.
- B. Council investigate additional funding sources to enable the construction of the full scope of the proposed Creative Art Space North.
- C. Council also consult on the Avalon Golf Club.

### VOTING

**FOR:** Unanimous

**ABSENT:** Cr Daley

**CARRIED**

## PROCEDURAL MOTION – MATTER OF URGENCY

*NOTE: The Chair ruled that the matter was one of urgency and that the item would be dealt with as the last item on the agenda.*

275/18 **RESOLVED**

**Cr De Luca / Cr Ferguson**

That as a matter of urgency, Council considers a motion in relation to the passing of Mrs Judy Borges.

### VOTING

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

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

**ABSENT:** Cr Daley

**CARRIED**

## 8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

### 8.1 ELECTION OF THE DEPUTY MAYOR

*NOTE 1: The Returning Officer advised that nominations were received for Councillor Amon and Councillor Heins.*

*NOTE 2: The Returning Officer conducted an election by open voting.*

*NOTE 3: Councillor Heins received the highest number of votes and was declared Deputy Mayor for a term of one year.*

#### **Cr Regan / Cr Harrison**

That:

- A. Council elect a Deputy Mayor.
- B. The term of the Deputy Mayor be a one year term and the election of the Deputy Mayor be conducted by open voting.

#### **VOTING**

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

**ABSENT:** Cr Daley

**CARRIED**

### 8.2 DRAFT ANNUAL FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 JUNE 2018

*NOTE: Councillor Daley returned to the chamber at 9:12pm.*

#### **PROCEDURAL MOTION - EXTENSION OF TIME**

276/18 **RESOLVED**

#### **Cr White / Cr Ferguson**

That Councillor Grattan be granted an extension of one minute to address the meeting.

#### **VOTING**

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

**AGAINST:** Crs Amon, De Luca, Harrison and Regan

**CARRIED**



**277/18 RESOLVED**

***Cr Grattan / Cr Regan***

That:

- A. The Annual Financial Statements for the period ended 30 June 2018 be adopted by Council.
- B. The Mayor, Councillor Grattan, Chief Executive Officer and Chief Financial Officer be authorised to sign the necessary Financial Statements.
- C. The Annual Financial Statements for the period ended 30 June 2018 be referred to the Council's Auditor for audit.
- D. Council hereby delegate to the Chief Executive Officer authority, upon receipt of the Auditor's report of the Council, to:
  - a. Forward a copy to the Office of Local Government.
  - b. Arrange for the public notice of the Council Meeting for presentation to the public, in the required format to be placed in the Manly Daily.
  - c. Arrange for the Council's audited financial reports and a copy of the Auditor's Reports to be made available for public inspection on Council's web page and in printed format at Council's Customer Service Centres and Libraries.
  - d. List the audited financial reports and Auditor's Reports on the Agenda for the next available Council Meeting for presentation to the public, which allows for the 7 days public notice requirement.
- E. Council rolls over \$1,649,096 in Operational projects to 2018/19.
- F. Council rolls over \$9,709,259 in Capital projects to 2018/19.
- G. Council approves the forecast reduction of \$1,964,820 in Capital projects budget which were commenced in 2017/18 and budgeted in 2018/19.

**VOTING**

**FOR:** Unanimous

***CARRIED***

## 9.0 CUSTOMER AND CORPORATE DIVISION REPORTS

### 9.2 BONDI TO MANLY WALK

278/18 **RESOLVED**

***Cr Regan / Cr Ferguson***

That:

- A. Council supports the Bondi to Manly Walk and enters into the Memorandum of Understanding.
- B. Council staff install way finding signage along the track from the Spit Bridge to Manly.
- C. Council staff look at opportunities to link the Bondi to Manly Walk with the Northern Beaches Coast Walk.
- D. Council staff provide councillors with updates, as appropriate, on the progress of the establishment of the Bondi to Manly Walk.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 10.0 ENVIRONMENT AND INFRASTRUCTURE DIVISION REPORTS

### 10.1 URBAN TREE CANOPY PLAN

279/18 **RESOLVED**

***Cr Regan / Cr Spratt***

That:

- A. Council place the Draft Urban Tree Canopy Plan on public exhibition for 28 days.
- B. Council note the actions in the Draft Plan that address community participation in enhancing the urban forest.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 11.0 PLANNING PLACE AND COMMUNITY DIVISION REPORTS

### 11.2 DEE WHY TOWN CENTRE PLANNING PROPOSAL AND DRAFT DEVELOPMENT CONTROL PLAN

*NOTE: Councillors Regan and Daley declared a less than significant non-pecuniary interest in this item.*

280/18 **RESOLVED**

**Cr Heins / Cr Regan**

That:

- A. Council approve variations to the publicly exhibited Planning Proposal to amend Warringah Local Environment Plan 2011 as outlined in this report, as permitted under S3.35(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act).
- B. Council forward the revised Planning Proposal to the Minister of Planning and Environment as permitted under S3.35(3) of the EP&A Act for the making of a local environmental plan under S3.36(2a).
- C. Council approve variations to the publicly exhibited Warringah Development Control Plan 2011 as outlined in this report.
- D. Council publicly re-exhibit the revised Warringah Development Control Plan 2011 to seek community comment on the proposed changes.

#### **VOTING**

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

**AGAINST:** Crs Amon, De Luca and Sprott

**CARRIED**

### 11.6 ASSISTANCE FOR YOUTH PROGRAMS IN DROUGHT AFFECTED COMMUNITIES

281/18 **RESOLVED**

**Cr Daley / Cr Ferguson**

That Council allocate \$2,000 to each of Gunnedah and Brewarrina Councils to aid in their scholarship and youth programs in recognition of the severe hardship being caused by the intense and extended drought affecting the State.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 12.0 NOTICES OF MOTION

### 12.1 NOTICE OF MOTION NO 51/2018 - 2019/2020 RATE RISES

282/18 **RESOLVED**

**Cr Amon / Cr Walton**

That:

- A. The Council notes the IPART Rate Peg for 2019/2020 has been set at 2.7%.
- B. In preparing the draft delivery plan for 2019/2020, staff include revenue and profit and loss statement assumptions which include a 2.7% rate rise or no rate rise in the alternative.
- C. The draft Delivery Plan for 2019/20 include analysis as to the costs and savings from amalgamation to better understand Northern Beaches Council capacity to absorb changes to the rating structure including:
  - a. to date and projected future
  - b. capital and operational
  - c. one-off and ongoing
  - d. monetary and non-monetary (eg service levels).

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

### 12.2 NOTICE OF MOTION NO 52/2018 - DROUGHT ASSISTANCE TO A REGIONAL NSW COUNCIL

283/18 **RESOLVED**

**Cr Daley / Cr Amon**

That staff prepares a brief report to the November Council meeting examining opportunities how Northern Beaches Council or the local community can provide assistance in kind to an appropriate regional NSW Council which currently has its Local Government Area / community impacted by the devastating drought which is gripping the nation.

#### **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 53/2018 - PEDESTRIAN COUNCIL OF AUSTRALIA**284/18 **RESOLVED****Cr Amon / Cr Ferguson**

That Council acknowledges and thanks the Pedestrian Council of Australia, Palm Beach Whale Beach Association and all other parties for their contribution to the establishment and improvement of pedestrian friendly infrastructure in the Northern Beaches, particularly the Palm Beach to Avalon and Newport corridor.

**VOTING****FOR:** Unanimous**CARRIED****12.4 NOTICE OF MOTION NO 54/2018 - NSW MARINE ESTATE REFORMS**

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

*NOTE 2: Councillor Ferguson left the chamber at 9:55pm and returned at 9:56pm.*

285/18 **RESOLVED****Cr Warren / Cr White**

That:

- A. Council notes the aim of the NSW Marine Estate Reforms is to protect the significant environmental value of sites within the Hawkesbury Shelf marine bioregion by reducing risks at a local scale from some site-based threats, helping to conserve marine biodiversity, whilst allowing for a wide range of recreational and commercial activities to still occur.
- B. Council supports the proposed NSW Marine Estate Reforms for the five sites included in the proposed Marine Park for the Hawkesbury Shelf marine bioregion for the Northern Beaches, and will prepare a submission to the State Government in support of the reforms as recommended by the Marine Estate Management Authority.

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

## 12.5 NOTICE OF MOTION NO 55/2018 - KIMBRIKI BUY BACK CENTRE

286/18 **RESOLVED**

***Cr Heins / Cr Philpott***

That:

- A. Council note that the materials and quantities available to the public at the Kimbriki Buy Back Centre has declined.
- B. A report be brought back to Council within four months researching options to reinvigorate and increase the usage and available materials at the Kimbriki Buy Back Centre and opportunities for community groups or individuals to repair and restore items

### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 12.6 NOTICE OF MOTION NO 56/2018 - 2018 MODEL CODE OF CONDUCT FOR LOCAL COUNCILS

287/18 **RESOLVED**

***Cr Grattan / Cr Harrison***

That:

- A. Councillors note the soon to be endorsed new 2018 Model Code of Conduct for Local Councils, released on 3rd September 2018, specifying new standards relating to discrimination and harassment, bullying, behaviour at meetings, confidential information and use of social media.
- B. Councillors note that bullying, harassment, intimidation and accusations, or inciting others to undertake such behaviours, are not acceptable behaviours for Councillors as mentioned in the new Code of Conduct.
- C. Councillors uphold the principles of working together and the “structures and behaviour” agreed at the Councillor Workshop on 5-6 October 2017.
- D. A workshop on the new Model Code of Conduct be held for Councillors once prescribed by regulation.
- E. Council condemns any bullying behaviour by Councillors, including spreading malicious rumours about Councillors in the community.

### **VOTING**

**FOR:** Unanimous

**CARRIED**

**MATTER OF URGENCY – PASSING OF MRS JUDY BORGES**

288/18 **RESOLVED**

***Cr De Luca / Cr Ferguson***

That:

- A. Council note with sadness that today a funeral was held for Mrs Judy Borges, a community leader who since 1968 served in the following capacities:
- a. Coach of the Manly Warringah Netball Open Representative team that won the inaugural NSW State Championship in 1968.
  - b. Founder of Wakehurst Netball Club.
  - c. Coach of the Manly Warringah Netball team that competed in the South Pacific games winning silver in 1968.
  - d. Coach between 1968 to 2015 of various Wakehurst Club teams of all ages and grades, many winning premierships.
  - e. MWNA representative team Coach for over 30 years, coaching state, state ages championships, state league and interstate teams.
  - f. Member Manly Warringah Netball PSSA selection committees for many years.
  - g. Coach convenor of the Wakehurst Netball Club for many years.
  - h. Coached and was head cheer leader for Council's indoor Netball team at PCYC.
- B. This Council acknowledges and commends Mrs Judy Borges for her decades of outstanding service to the Northern Beaches community and extends its sympathy to Mrs Borges family on their tragic loss.

**VOTING**

**FOR:** Unanimous

**CARRIED**

## 13.0 QUESTIONS ON NOTICE

### 13.1 QUESTION ON NOTICE NO 10/2018 - CLUBLINKS MANAGEMENT

Submitted by: Councillor David Walton

#### QUESTION

As part of the due diligence by Council management into the Arena REIT Management tender for District Park (RFT 2017/208 – New Sport and Community Facility and Long Term Lease of Existing Facilities (including Golf Course) at District Park, Norther Manly), what due diligence was conducted into Clublinks Management Pty Ltd regarding their success and failures, as suggested above, in managing the public and community owned golf courses? If any due diligence was undertaken, what risks were identified? Could you please supply proof of any due diligence conducted in your response?

### 13.2 QUESTION ON NOTICE NO 11/2018 - THE NATIONAL TERRORISM THREAT

Submitted by: Councillor David Walton

#### QUESTION

Could you please provide an update of what has been achieved to meet Council's responsibilities under this strategy in the 11 months since these verbal undertakings were given to Councillors?

## 14.0 RESPONSES TO QUESTIONS ON NOTICE

### 14.1 RESPONSE TO QUESTION ON NOTICE NO 09/2018 - EXPENDITURE ON LOGO CHANGE AND IMPLEMENTATION

Submitted by: Councillor Cr De Luca

#### QUESTION

Following amalgamation:

- A. What was the total expenditure on the design of the new Northern Beaches Council logo?
- B. What has been the total expenditure to change old logos on street signs, buildings, stationery, websites etc since the new logo was introduced?

#### RESPONSE

- A. The total expenditure on the design of the new Northern Beaches Council logo, including accompanying colours, fonts, visuals and designs was \$46,980. The funding was provided by the State Government to amalgamated councils under the New Council Implementation Fund (NCIF).
- B. The general approach to transitioning to the new brand has been to replace stationery, business cards and street blades as operationally required. As such there has been no specific budget allocated. In relation to building signage, Council has access to \$150,000 funds also reserved within the state government's New Council Implementation Fund (NCIF) funding source. This signage programme is still in progress.



The meeting concluded at 10:19pm

This is the final page of the minutes comprising 25 pages  
numbered 1 to 25 of the Ordinary Council Meeting  
held on Tuesday 25 September 2018 and confirmed on Tuesday 16 October 2018

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Mayor

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Chief Executive Officer