



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 27 NOVEMBER 2018

**Minutes of an Ordinary Meeting of Council
held on Tuesday 27 November 2018
at the Civic Centre, Dee Why
Commencing at 6:31pm**

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 (arrived 6:44pm)

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 |
| David Walsh | Chief Financial Officer |
| Steven Lawler | Executive Manager Parks and Recreation |
| Andrew Pigott | Executive Manager Strategic Place Planning |
| Natasha Schultz | Executive Manager Waste Management and Cleansing |
| Melissa Lee | Manager Governance |
| Sherryn McPherson | Coordinator Governance |
| Annie Laing | Governance Officer |
| Sylwia Stafford | Information Management Technology Officer |
| Michael Meadows | Information Management Technology Officer |

Notes

The meeting commenced at 6:31pm, adjourned at 8:30pm, resumed at 8:41pm, moved into closed session at 10:21pm, resumed in open session at 11:10pm and concluded at 11:14pm.

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

310/18 RESOLVED

Cr Regan / Cr De Luca

That an apology be received from Councillor White.

VOTING

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

ABSENT: Cr Warren

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 16 OCTOBER 2018

311/18 RESOLVED

Cr Ferguson / Cr Heins

That the Minutes of the ordinary Council meeting held 16 October 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 Walton

ABSENT: Cr Warren

CARRIED

4.0 DISCLOSURES OF INTEREST

4.1 Councillor Walton declared a pecuniary interest in relation to Item 7.1 – Mayoral Minute No 11/2018 – Objection to the RMS Proposal for New and Extended Clearways through Collaroy and Manly Vale. Councillor Walton chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Walton was:

“Remuneration from RMS – related to fraud prevention/control with \$30B and 5 year capital expenditure program.”

- 4.2 Councillor Ferguson declared a less than significant non-pecuniary interest in relation to Item 10.4 – Result of Investigation of Potential Sportsground Sites for Synthetic Conversion. Councillor Ferguson chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Ferguson was:
- “I have two children that play football.”*
- 4.3 Councillor Grattan declared a less than significant non-pecuniary interest in relation to Item 10.6 – Beaches Link Tunnel Submission. 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:
- “Working closely with the community on Beaches Link Tunnel item on all sides of the debate.”*
- 4.4 Councillor Walton declared a pecuniary interest in relation to Item 10.6 – Beaches Link Tunnel Submission. Councillor Walton chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Walton was:
- “Remuneration from RMS – related to fraud prevention/control with \$30B and 5 year capital expenditure program.”*
- 4.5 Councillor Regan declared a pecuniary interest in relation to Item 11.4 – Submission to the Department of Planning And Environment Regarding Public Exhibition of Proposed Amendments to the Planning Framework for Short-Term Rental Accommodation. Councillor Regan chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Regan was:
- “I own an investment property in Dee Why.”*
- 4.6 Councillor McTaggart declared a less than significant non-pecuniary interest in relation to Item 11.4 – Submission to the Department of Planning And Environment regarding Public Exhibition of Proposed Amendments to the Planning Framework for Short-Term Rental Accommodation. Councillor McTaggart chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor McTaggart was:
- “My wife and I have an Airbnb that is used occasionally”*
- 4.7 Councillor Daley declared a pecuniary interest in relation to Item 11.4 – Submission to the Department of Planning And Environment regarding Public Exhibition of Proposed Amendments to the Planning Framework for Short-Term Rental Accommodation. Councillor Daley chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Daley was:
- “My wife and I own two investment properties in Dee Why and we are part owners of a house in Warriewood.”*
- 4.8 Councillor Sprott declared a less than significant non-pecuniary interest in relation to Item 11.4 – Submission to the Department of Planning And Environment regarding Public Exhibition of Proposed Amendments to the Planning Framework for Short-Term Rental Accommodation. Councillor Sprott chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Sprott was:
- “My partner has a property that she rents on Airbnb from time to time.”*

- 4.9 Councillor Walton declared a less than significant non-pecuniary interest in relation to Item 12.1 – Notice of Motion No 61/2018 - Manly Swimming Club. Councillor Walton chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Walton was:

“Past President of Manly Swimming Club and son competed.”

- 4.10 Councillor Daley declared a pecuniary interest in relation to Item 12.2 – Notice of Motion No 62/2018 - Clause A16.5 of the District Park Tender. Councillor Daley chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Daley was:

“Due to my association with my local community (including local sporting clubs).”

- 4.11 Councillor Walton declared a pecuniary interest in relation to Item 12.6 – Notice of Motion No 66/2018 – Collaroy Clearways No Way. Councillor Walton chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Walton was:

“Remuneration from RMS – related to fraud prevention/control with \$30B and 5 year capital expenditure program.”

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 Warren joined the meeting at 6.44pm.

NOTE 3: Councillor Amon left the chamber at 7:08pm and returned at 7:10pm.

NOTE 4: Councillor Warren left the chamber at 7:35pm and returned at 7:42pm.

NOTE 5: Councillor Heins left the chamber at 7:39pm and returned at 7:41pm.

PUBLIC FORUM SPEAKERS:

- 5.1 David Parsons addressed Council in regard to communication.
- 5.2 Scott Mitchell addressed Council in regard to Collaroy beach parking and impacts on PARK & RIDE residents catching the bus and requiring all day parking.
- 5.3 Margaret Hogge addressed Council in regard to a proposal that Northern Beaches Council declare the Dee Why central business district smoke-free.
- 5.4 Judith Yates addressed Council in regard to the Little Manly Point amenities.

PUBLIC ADDRESS SPEAKERS:

- 5.5 **Item 7.1 – Mayoral Minute No 11/2018 Objection to the RMS Proposal for New and Extended Clearways**

Dr Kiril Goring-Siebert and Geoffrey Small addressed Council speaking in support of this item.

- 5.6 Item 9.5 – Minutes from the Strategic Reference Group Meetings held in August/September 2018**
- Billy Bragg addressed Council speaking in support of this item.
- 5.8 Item 10.1 – Adoption of the Manly Lagoon Floodplain Risk Management Study and Plan**
- Thomas Hazell addressed Council speaking in support of this item.
- 5.9 Item 10.4 – Result of Investigation of Potential Sportsground Sites for Synthetic Conversion**
- Annette Burgoyne addressed Council speaking in support of this item.
- 5.10 Item 10.6 – Beaches Link Tunnel Submission**
- Nerissa Levy and Lucy McLelland addressed Council speaking against this item.
- 5.11 Item 11.5 – Northern Beaches Local Environmental Plan**
- Miranda Korzy addressed Council speaking against this item.
- 5.12 Item 12.1 – Notice of Motion No 61/2018 Manly Swimming Club**
- Matthew Paterson addressed Council speaking in support of this item.
- 5.13 Item 12.4 – Notice of Motion No 64/2018 Castle Drumming Concerns**
- Commander Superintendent David Darcy addressed Council speaking against this item and Adrienne Sun and Ian Johnson in support of this item.
- 5.14 Item 12.6 – Notice of Motion No 68/2018 Collaroy Clearways No Way**
- Leah Gason and James Aschner addressed Council speaking in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE 1: Councillors Regan and Daley left the chamber at 7:50pm due to a declared significant pecuniary interest in Item 11.4.

NOTE 2: Councillors McTaggart and Sprott declared a less than significant non-pecuniary interest in Item 11.4.

NOTE 3: Councillor Heins assumed the Chair at 7:51pm.

NOTE 4: Resolutions to the confidential items (15.1, 15.2, 15.4 and 15.5) made by Council were read by the Chief Executive Officer following the conclusion of Item 6.0 - Items Resolved by Exception.

312/18 RESOLVED

Cr Harrison / Cr Ferguson

That items 8.1, 8.3, 8.4, 8.5, 8.7, 9.1, 9.2, 9.4, 9.6, 9.9, 10.1, 10.2, 10.3, 10.5, 10.7, 11.2, 11.3, 11.4, 11.6, 11.7, 11.8, 11.9, 15.1, 15.2, 15.4 and 15.5 are dealt with by exception with the recommendations of the Chief Executive Officer / General Managers being adopted.

VOTING

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

ABSENT: Crs Daley and Regan

CARRIED

8.1 MONTHLY INVESTMENT REPORT - OCTOBER 2018

313/18 RESOLVED

Cr Harrison / Cr Ferguson

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

RESOLVED BY EXCEPTION

8.3 FINANCIAL STATEMENTS AND AUDIT REPORTS FOR THE YEAR ENDED 30 JUNE 2018

314/18 RESOLVED

Cr Harrison / Cr Ferguson

That:

- A. In accordance with Section 419 (1) of the Local Government Act 1993, the audited Financial Statements and the Auditor's Reports for 2017/2018 are hereby received.
- B. A further report be presented to Council on 18 December 2018 detailing any submissions received in respect of Council's audited Financial Statements, if applicable.

RESOLVED BY EXCEPTION

8.4 ANNUAL REPORT 2017/18

NOTE: Councillors Bingham and Heins expressed their thanks to Council staff for their efforts in relation to the Annual Report 2017/18.

315/18 RESOLVED

Cr Harrison / Cr Ferguson

That Council note the Annual Report 2017/18.

RESOLVED BY EXCEPTION

8.5 STRONGER COMMUNITIES FUND - QUARTERLY REPORT

316/18 RESOLVED

Cr Harrison / Cr Ferguson

That Council note the Stronger Communities Fund September Quarterly Update.

RESOLVED BY EXCEPTION

8.7 REVIEW OF CODE OF CONDUCT

317/18 RESOLVED

Cr Harrison / Cr Ferguson

That Council review and adopt the current NSW Office of Local Government model Code of Conduct 2015 as the Northern Beaches Council Code of Conduct.

RESOLVED BY EXCEPTION

9.1 BALGOWLAH SEAFORTH COMMUNITY LIBRARY FUNDING

NOTE: Councillor Harrison expressed her thanks to Council staff for their efforts in relation to the Balgowlah Seaforth Community Library Funding report.

318/18 RESOLVED

Cr Harrison / Cr Ferguson

That in accordance with the Local Government Act, Section 356, Part (1) Council approve the 2018/19 funding allocation of \$22,000 for Balgowlah Seaforth Community Library.

RESOLVED BY EXCEPTION

**9.2 DELEGATED AUTHORITY TO THE MAYOR - CHRISTMAS/NEW YEAR RECESS
2018/2019**

319/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That:

- A. Council, pursuant and subject to the limitations of section 377 of the Local Government Act, 1993 grant authority to the Mayor to make provision for decisions to be made on critical or urgent Council matters during the 2018-2019 Christmas and New Year recess being 19 December 2018 to 5 February 2019 inclusive.
- B. Staff provide a report to Council on 26 February 2019 outlining how the delegated authority was exercised.

RESOLVED BY EXCEPTION

9.4 ENTERPRISE RISK MANAGEMENT POLICY REVIEW

320/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That Council adopt the Enterprise Risk Management Policy.

RESOLVED BY EXCEPTION

**9.6 CONFIRMED MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE
MEETING HELD ON 5 SEPTEMBER 2018 AND RECONVENED ON 18 SEPTEMBER
2018**

321/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee Meeting held on 5 September 2018 and reconvened on 18 September 2018.

RESOLVED BY EXCEPTION

9.9 MANLY INNOVATION HUB FEE WAIVER

322/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That Council grant a waiver of hiring fees for the Manly Innovation Hub for a period of 12 weeks to use the specified rooms within the Seaforth Village Community Centre in order to pilot the *Core Venture Accelerator* program.

RESOLVED BY EXCEPTION

10.1 ADOPTION OF THE MANLY LAGOON FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

323/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That Council adopt the Manly Lagoon Floodplain Risk Management Study and Plan (October 2018).

RESOLVED BY EXCEPTION

10.2 PUBLIC EXHIBITION OF THE INGLESIDE, ELANORA AND WARRIEWOOD OVERLAND FLOW FLOOD STUDY

324/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That the Draft Ingleside, Elanora and Warriewood Overland Flow Flood Study (September, 2018) be placed on public exhibition for a period of at least 28 days.

RESOLVED BY EXCEPTION

10.3 REQUEST FROM THE COMMITTEE OF THE FRIENDS OF THE BIBLE GARDEN MEMORIAL INC FOR COUNCIL REPRESENTATION

325/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That Council endorse a Councillor and the Executive Manager Parks & Recreation to represent the Northern Beaches Council on the Committee of the Friends of the Bible Garden Memorial Inc.

RESOLVED BY EXCEPTION

10.5 ROSEBERRY STREET BALGOWLAH TRAFFIC STUDY

NOTE: Councillor Bingham expressed her thanks to Council staff for their efforts in relation to the Roseberry Street Balgowlah Traffic Study.

326/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That:

- A. Council endorse the findings of the independent consultants' report and note that further consultation is required with the community prior to implementation of the short term actions.
- B. Council note that short term actions to be undertaken as and when resourcing allows these to be assessed and reported to the Northern Beaches Local Traffic Committee for approval and subject to community consultation.
- C. Council support further investigation of the substantial capital expenditure items, expressly the Quirk Road extension and new traffic control signal requirements around the precinct.

- D. Council provide a copy of the traffic study to the Roads and Maritime Services (RMS) for its consideration in planning for the Beaches Link, including the potential to accelerate implementation of the major items to address local traffic issues as part of the Beaches Link project.
- E. The implementation of the concept plan for improved pedestrian amenity is to be delayed until the traffic signal improvement works have been undertaken at the Balgowlah Road and Roseberry Street intersection as shown on Concept Plan RN-SK006 of the attached report.

RESOLVED BY EXCEPTION**10.7 NORTHERN BEACHES TRANSPORT STRATEGY**

NOTE: Councillor Grattan expressed her thanks to council staff for their efforts in relation to the Northern Beaches Transport Strategy.

327/18 RESOLVED***Cr Harrison / Cr Ferguson***

That Council adopt *MOVE – Northern Beaches Transport Strategy* as first ever strategy for the provision of a safe, smart, efficient, integrated and sustainable transport network for the Northern Beaches.

RESOLVED BY EXCEPTION**11.2 EXHIBITION OF THE DRAFT NORTHERN BEACHES BUSH FIRE PRONE LAND MAP****328/18 RESOLVED*****Cr Harrison / Cr Ferguson***

That:

- A. Council place the Draft Northern Beaches Bushfire Prone Land Map on public exhibition for a minimum period of 28 days.
- B. Following public exhibition and a consideration of submissions in consultation with the NSW Rural Fire Service, the final Draft Northern Beaches Bush Fire Prone Land Map including any modifications is reported back to Council for approval for its submission to the Commissioner of the NSW Rural Fire Service for Certification.

RESOLVED BY EXCEPTION**11.3 PITTWATER WATERWAY STRATEGY 2038 (DRAFT)****329/18 RESOLVED*****Cr Harrison / Cr Ferguson***

That Council endorses the Pittwater Waterway Strategy 2038 (Draft) to be placed on public exhibition for a period of eight weeks.

RESOLVED BY EXCEPTION

11.4 SUBMISSION TO THE DEPARTMENT OF PLANNING AND ENVIRONMENT REGARDING PUBLIC EXHIBITION OF PROPOSED AMENDMENTS TO THE PLANNING FRAMEWORK FOR SHORT-TERM RENTAL ACCOMMODATION

330/18 RESOLVED

Cr Harrison / Cr Ferguson

That Council note the submission made to the Department of Planning and Environment on 16 November 2018 regarding the proposed NSW planning framework for Short-Term Rental Accommodation.

RESOLVED BY EXCEPTION

11.6 REPORTING VARIATION TO DEVELOPMENT STANDARDS - SEPP 1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF LOCAL ENVIRONMENT PLANS

331/18 RESOLVED

Cr Harrison / Cr Ferguson

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

RESOLVED BY EXCEPTION

11.7 DRAFT ARTS AND CREATIVITY STRATEGY

NOTE: Councillor Philpott expressed her thanks to Council staff for their efforts in relation to the Draft Arts and Creativity Strategy.

332/18 RESOLVED

Cr Harrison / Cr Ferguson

That Council endorse the public exhibition of the draft Arts and Creativity Strategy for a minimum period of 28 days.

RESOLVED BY EXCEPTION

11.8 NORTHERN BEACHES CULTURAL COLLECTION MANAGEMENT AND GIFT POLICY AND PUBLIC ART POLICY

333/18 RESOLVED

Cr Harrison / Cr Ferguson

That Council endorse the public exhibition of the draft Northern Beaches Cultural Collection Management and Gifts Policy and the draft Public Art Policy, and associated Guidelines, for a minimum period of 28 days.

RESOLVED BY EXCEPTION

11.9 MINUTES OF COMMUNITY SAFETY COMMITTEE MEETING HELD 11 OCTOBER 2018

334/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That Council note the Minutes of the Community Safety Committee meeting held on 11 October 2018.

RESOLVED BY EXCEPTION

15.1 SUPREME COURT PROCEEDINGS - WHISTLER STREET CARPARK

335/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That:

- A. Council continues to vigorously defend and progress the Proceedings as set out in the recommendations in the confidential report.
- B. Council authorises the Chief Executive Officer to do all things necessary to give effect to A above.

RESOLVED BY EXCEPTION

15.2 RFT 2018/065 - UNIFIED COMMUNICATIONS SOLUTION

336/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That:

- A. Council decline to accept any of the tenders received for RFT 2018/065 – Unified Communications Solution.
- B. In accordance with clause 178(3)(b) of the Local Government (General) Regulation 2005 reject all the tenders received for RFT 2018/065 Unified Communications and invite, in accordance with clause 167, fresh tenders based on a different scope because the roadmap for one of the major platforms and possible solutions changed mid tender and was not accounted for in any compliant submissions received.

RESOLVED BY EXCEPTION

15.4 RFT 2018/106 - PLAY AREA LANDSCAPE WORKS PACKAGE FOR BROOKVALE CHILDRENS CENTRE

337/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That:

- A. Council decline to accept any of the tenders received for RFT 2018/16 – Stage 2 Play Area Landscape Works for Brookvale Children’s Centre, Brookvale.
- B. Council enter into negotiations with GJ’s Landscapes with a view to entering into a contract in relation to an amended package of landscape works at Brookvale.
- C. Council decline to:
 - a. Invite fresh tenders based on the same or different details.
 - b. Invite fresh applications from persons interested in tendering for the proposed contract.
 - c. Invite fresh applications from persons interest in tendering for the contracts of the same kind as the proposed contract, because:
 - i. All complaint tenders exceeded the budget allocation for the project.
 - ii. The tender submission provided by GJ’S Landscapes was compliant and achieved a good total weighted score in the tender evaluation.
 - iii. Subject to amending the scope of works, GJ’s Landscapes would satisfactorily meet Council’s requirements.

RESOLVED BY EXCEPTION

15.5 RFT 2018/215 - LANDSCAPING AND MONUMENTAL MASONRY WORKS PACKAGE FOR MONA VALE CEMETERY

338/18 **RESOLVED**

Cr Harrison / Cr Ferguson

That:

- A. Council in accordance with clause 178(3)e of the Local Government (General) Regulation 2005, enter into negotiations with Kyora Landscapes with a view to entering into a contract in relation to the landscaping portion of the tender 2018/215 Landscape and Monumental Masonry Works Package for Stage 1 of the Memorial Gardens at Mona Vale Cemetery.
- B. Council decline to:
 - a. Invite fresh tenders based on the same or different details
 - b. Invite fresh applications from persons interested in tendering for the proposed contract
 - c. Invite fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract because:
 - i. No submissions were received for the tender
 - ii. Kyora Landscapes has successfully delivered previous works of this type at the Mona Vale Cemetery and are familiar with the site
 - iii. A good value for money result can be obtained by direct negotiations.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 11/2018 - OBJECTION TO THE RMS PROPOSAL FOR NEW AND EXTENDED CLEARWAYS THROUGH COLLAROY AND MANLY VALE

NOTE 1: Councillors Regan and Daley returned to the chamber at 7:52pm.

NOTE 2: Councillor Regan resumed the Chair at 7:52pm.

NOTE 3: Councillor Walton left the chamber at 7:54pm having declared a pecuniary interest in the item.

339/18 RESOLVED

Cr Regan

That:

- A. Council writes to the Hon. Melinda Pavey, MP, Minister for Roads and Maritime stating that Council:
 - a. strongly objects to the proposed clearways along Pittwater Road through Collaroy and along the western side of Condamine Street, Manly Vale 6am to 7pm on weekdays and 9am to 6pm on weekends and public holidays and those proposed along Condamine Street, Manly Vale.
 - b. requests that all surveys, studies and/or modelling prepared to support the Clearway proposals impacting on Collaroy and Manly Vale are made public.
 - c. in the absence of such surveys, studies and/or modelling requests that they be prepared by the RMS to demonstrate the benefit of the current proposal or any alternative proposal including maintaining the status quo.
 - d. any further action on these clearways is suspended until points (i) and (ii) have been completed and further community consultation be undertaken.
- B. Council accepts the petition submitted by the Collaroy Clearways Action Group opposing the Collaroy Clearways proposal containing over 3,200 signatures which was also submitted to the RMS as part of their community consultation process and the petition submitted by the Manly Vale Group of 753 signatures.
- C. Council requests staff arrange for the RMS to provide a further briefing to Councillors addressing the concerns raised by residents.
- D. Council write to Mr. James Griffin, MP for Manly regarding options for additional parking in Manly Vale on the western side of Condamine Street, Manly Vale.
- E. Council inform all other local State and Federal Members of Council's objections and include a copy of correspondence to the Minister for Roads and Maritime.

VOTING

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

ABSENT: Crs Walton

CARRIED

7.2 MAYORAL MINUTE NO 12/2018 - RECOGNITION OF AWARD - THE RESPONSE TO CLIMATE CHANGE AWARD - KEEP AUSTRALIA BEAUTIFUL NSW AWARDS 2018

NOTE: Councillor Walton returned to the chamber at 8:05pm.

340/18 **RESOLVED**

Cr Regan

That:

- A. Council formally acknowledge the outstanding achievement in being awarded the Response to Climate Change Award from the Keep Australia Beautiful Network.
- B. Council congratulate council staff involved in this project.

VOTING

FOR: Unanimous

CARRIED

7.3 MAYORAL MINUTE NO 13/2018 - RECOGNITION OF AWARD TO COUNCIL OFFICER FOR OUTSTANDING PROCUREMENT PROFESSIONAL IN THE 2018 LOCAL GOVERNMENT PROCUREMENT AWARDS

NOTE: Councillors Heins and Ferguson acknowledged, thanked and congratulated Council staff for their efforts and winning the category of Outstanding Procurement Professional at the Local Government Procurement Conference.

341/18 **RESOLVED**

Cr Regan

That:

- A. Council formally acknowledge the outstanding achievement by Lisa Neal being awarded the Outstanding Procurement Professional Award from Local Government Procurement.
- B. Council congratulate all council staff involved in this project.

VOTING

FOR: Unanimous

CARRIED

7.4 MAYORAL MINUTE NO 14/2018 - RECOGNITION OF AWARD - ENVIRONMENTAL COMMUNICATIONS AWARD - KEEP AUSTRALIA BEAUTIFUL NSW AWARDS FOR 2018

342/18 **RESOLVED**

Cr Regan

That:

- A. Council formally acknowledge the outstanding achievement in being awarded the Environmental Communication Award at the recent Keep Australia Beautiful New South Wales Awards.
- B. Council congratulate council staff involved in this project and the Surfrider Foundation Northern Beaches.

VOTING

FOR: Unanimous

CARRIED

7.5 MAYORAL MINUTE NO 15/2018 - RECOGNITION OF AWARD - INNOVATION IN SERVICE DELIVERY - 2018 NATIONAL LOCAL GOVERNMENT CUSTOMER SERVICE NETWORK AWARDS

343/18 **RESOLVED**

Cr Regan

That:

- A. Council formally acknowledge the outstanding achievement in receiving the Award for Innovation in Service Delivery at the National Local Government Customer Service Network 2018.
- B. Council congratulate our Customer Service, Information & Digital Technology team and all staff involved in this project.

VOTING

FOR: Unanimous

CARRIED

7.6 MAYORAL MINUTE NO 16/2018 - RECOGNITION OF 2018 ACHIEVEMENTS BY OUR SURF CLUBS AND VOLUNTEERS

NOTE: Councillor Ferguson acknowledged, thanked and congratulated Council staff for their ongoing efforts and service to the community in relation to surf lifesaving and for being successful at the 2018 Surf Life Saving NSW awards and the Surf Life Saving Australia National Awards.

344/18 RESOLVED

Cr Regan

That Council notes the achievements of our surf lifesaving clubs for 2018.

VOTING

FOR: Unanimous

CARRIED

7.7 MAYORAL MINUTE NO 17/2018 - PROPOSAL TO RENAME PALM BEACH ROCK POOL - 'JOHNNY CARTER POOL'

345/18 RESOLVED

Cr Regan

That:

- A. Council write to the NSW Geographical Names Board to advise that the Rock Pool located on Ocean Road, Palm Beach be officially renamed 'Johnny Carter Pool'.
- B. Council write to Mr Jack 'Johnny' Carter to thank him for his tireless commitment and service to our community and of Council's decision to rename the pool in his honour.
- C. Council Liaise with Mr Jack 'Johnny' Carter, his family, the Palm Beach Whale Beach Residents Association and the Palm Beach Surf Life Saving Club regarding the placement of a plaque along with appropriate signage that identifies the significance and relevant background information to the naming of the pool.

VOTING

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

AGAINST: Cr Harrison

CARRIED

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.2 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2018

346/18 **RESOLVED**

Cr Grattan / Cr Amon

That:

- A. Council note the Budget Review Statement for the three months ended 30 September 2018.
- B. Council approve the following changes to the Current Forecast in the September 2018 Business Review Statement:
 - a. An increase in the forecast Surplus from Continuing Operations which includes Capital Grants and Contributions of \$1,050,373 to \$20,401,694.
 - b. An increase in capital expenditure by \$1,297,764 to \$120,325,023.

VOTING

FOR: Unanimous

CARRIED

8.6 DRAFT FRAUD AND CORRUPTION PREVENTION POLICY

347/18 **RESOLVED**

Cr Grattan / Cr Heins

That this item be deferred until the 26 March 2019 Ordinary Council Meeting to enable it to be reviewed at the 12 February 2019 Audit Risk and Improvement Committee meeting.

VOTING

FOR: Unanimous

CARRIED

9.0 CUSTOMER AND CORPORATE DIVISION REPORTS

9.3 GIFTS AND BENEFITS POLICY

348/18 **RESOLVED**

Cr Heins / Cr Harrison

That Council adopt the Northern Beaches Gifts and Benefits Policy to replace the former Pittwater Council Gifts and Benefits Policy.

VOTING

FOR: Unanimous

CARRIED

9.5 MINUTES FROM THE STRATEGIC REFERENCE GROUP MEETINGS HELD IN AUGUST/SEPTEMBER 2018

349/18 **RESOLVED**

Cr McTaggart / Cr Ferguson

That Council note the minutes of the six Strategic Reference Group meetings held during August and September 2018.

VOTING

FOR: Unanimous

CARRIED

9.7 COMMUNITY GRANTS AND PARTNERSHIP PROGRAM

350/18 **RESOLVED**

Cr McTaggart / Cr Regan

That:

- A. A new funding stream for event sponsorship be adopted as part of the broader Community Grants and Partnership Program.
- B. Sponsorship grants will be open all year, will be negotiated upon request, offer multi-year agreements with eligible applicants and will be reviewed monthly by a panel of no less than three staff.
- C. Staff support local community event organisers who had previous funding arrangements with the former Councils in the year prior to amalgamation, to access multi-year sponsorship agreements.
- D. Staff budget for reoccurring events such as funding for local Christmas Carol events, ANZAC Day services in the annual budget process.
- E. Staff implement the proposed Australia Day Grant Funding Model for 2019 and budget for the grants in the annual budget process.
- F. Staff support new applicants to help them seek funding through the new sponsorship stream or the event grants stream.
- G. Staff refine and develop this policy for further consideration by Council in May 2019.

VOTING

FOR: Unanimous

CARRIED

9.8 ALCOHOL PROHIBITED AREAS ON AUSTRALIA DAY 2019

351/18 **RESOLVED**

Cr Bingham / Cr Harrison

That:

- A. Council declares temporary Alcohol Prohibited Areas on all sand areas of all beaches as well as the adjacent reserves within the Northern Beaches Local Government Area on Australia Day, 26 January 2019 from 6:00am for a period of 24 hours.
- B. Council produces and installs temporary signage across all beaches and adjacent reserves. This can be funded from existing operational budget.

VOTING

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

AGAINST: Cr Amon

CARRIED

PROCEDURAL MOTION – ADJOURN THE MEETING

NOTE: The Council meeting adjourned at 8:30pm.

352/18 **RESOLVED**

Cr Regan / Cr Heins

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

VOTING

FOR: Unanimous

CARRIED

10.0 ENVIRONMENT AND INFRASTRUCTURE DIVISION REPORTS

10.4 RESULT OF INVESTIGATION OF POTENTIAL SPORTSGROUND SITES FOR SYNTHETIC CONVERSION

NOTE 1: The Council meeting resumed at 8:41pm.

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

353/18 **RESOLVED**

Cr Ferguson / Cr Regan

That:

- A. Council note the contents of the report.
- B. Council include the conversion of Miller Reserve, Manly Vale in the draft Capital Works Program for 2019-2023 for consideration.
- C. Council staff undertake more detailed investigations and confirm costings for Careel Bay Playing Fields and Kitchener Park and provide a further report to Council by 30 June 2019.

VOTING

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

AGAINST: Crs Grattan, Harrison and Warren

CARRIED

10.6 BEACHES LINK TUNNEL SUBMISSION

NOTE 1: Councillor Walton left the chamber at 8:47pm due to a declared pecuniary interest in this item.

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

Cr Grattan / Cr Bingham

That:

- A. Council note the community feedback received on the NSW Government's proposed Beaches Link project, including the overall support for Beaches Link as vital infrastructure and also serious concerns about the local construction, traffic, loss of public open space, child health & safety and environmental impacts
- B. Council strongly supports:
 - a. the inclusion of enhanced public transport in the tunnel as well as the need for the tunnel provide a dedicated public transport link to further enhance the B-Line
 - b. the NSW government minimising the impacts on local residents as detailed in Council's submission.

- C. Council has serious concerns about both options for construction compounds at Seaforth (Options A and B) due to continued environmental concerns and public safety risk issues associated with each option. Alternate solutions need to be explored by the New South Wales Government and Roads and Maritime Services and the detailed safety and environmental management plans need to be presented to Council for consideration before it supports either option.
- D. Council endorse the delivery of the Beaches Link tunnel for the community of the Northern Beaches subject to a refined design that reasonably addresses the concerns noted in A, B & C.
- E. Council adopt the Council submission to the NSW Government and write to the Hon. Melinda Pavey MP Minister for Roads and Maritime advocating strongly for the community of the Northern Beaches
- F. Council continue to work with the Community to achieve the best outcomes for the Northern Beaches Community should the NSW State Government advance the project to the next stage - Environmental Impact Statement Assessment.
- G. Council gives the CEO authority to amend the submission and community engagement report within the sentiment of Council to ensure consistency of language and accuracy of presentation.

AMENDMENT

Cr Amon / Cr Sprott

That:

- A. Council note the community feedback received on the NSW Government's proposed Beaches Link project, including the overall support for Beaches Link as vital infrastructure and also serious concerns about the local construction, traffic, loss of public open space, child health & safety and environmental impacts
- B. Council strongly supports:
 - a. the inclusion of enhanced public transport in the tunnel as well as the need for the tunnel provide a dedicated public transport link to further enhance the B-Line
 - b. the NSW government minimising the impacts on local residents as detailed in Council's submission.
- C. Council has serious concerns about both options for construction compounds at Seaforth (Options A and B) due to continued environmental concerns and public safety risk issues associated with each option. Alternate solutions need to be explored by the New South Wales Government and Roads and Maritime Services and the detailed safety and environmental management plans need to be presented to Council for consideration before it supports either option.
- D. Council endorse the delivery of the Northern Beaches Link tunnel for the community of the Northern Beaches, including a refined design that responds to the concerns noted in A, B, & C.
- E. Council adopt the Council submission to the NSW Government and write to the Hon. Melinda Pavey MP Minister for Roads and Maritime advocating strongly for the community of the Northern Beaches

- F. Council continue to work with the Community to achieve the best outcomes for the Northern Beaches Community should the NSW State Government advance the project to the next stage - Environmental Impact Statement Assessment.
- G. Council gives the CEO authority to amend the submission and community engagement report within the sentiment of Council to ensure consistency of language and accuracy of presentation.

VOTING

FOR: Crs Amon, Daley, De Luca and McTaggart

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

ABSENT: Cr Walton

LOST

The amendment was lost and Council returned to the substantive motion.

354/18 RESOLVED

Cr Grattan / Cr Bingham

That:

- A. Council note the community feedback received on the NSW Government's proposed Beaches Link project, including the overall support for Beaches Link as vital infrastructure and also serious concerns about the local construction, traffic, loss of public open space, child health & safety and environmental impacts
- B. Council strongly supports:
 - a. the inclusion of enhanced public transport in the tunnel as well as the need for the tunnel provide a dedicated public transport link to further enhance the B-Line; and
 - b. the NSW government minimising the impacts on local residents as detailed in Council's submission
- C. Council has serious concerns about both options for construction compounds at Seaforth (Options A and B) due to continued environmental concerns and public safety risk issues associated with each option. Alternate solutions need to be explored by the New South Wales Government and Roads and Maritime Services and the detailed safety and environmental management plans need to be presented to Council for consideration before it supports either option.
- D. Council endorse the delivery of the Beaches Link tunnel for the community of the Northern Beaches subject to a refined design that reasonably addresses the concerns noted in A, B & C.
- E. Council adopt the Council submission to the NSW Government and write to the Hon. Melinda Pavey MP Minister for Roads and Maritime advocating strongly for the community of the Northern Beaches
- F. Council continue to work with the Community to achieve the best outcomes for the Northern Beaches Community should the NSW State Government advance the project to the next stage - Environmental Impact Statement Assessment.
- G. Council gives the CEO authority to amend the submission and community engagement report within the sentiment of Council to ensure consistency of language and accuracy of presentation.

VOTING

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

AGAINST: Crs Harrison, Heins, McTaggart and Warren

ABSENT: Cr Walton

CARRIED

11.0 PLANNING PLACE AND COMMUNITY DIVISION REPORTS

11.1 PLANNING PROPOSAL FOR FRESHWATER VILLAGE CARPARK

NOTE 1: Councillor Walton returned to the chamber at 9:25pm.

NOTE 2: Councillor Harrison left the chamber at 9:27pm and returned at 9:29pm.

355/18 **RESOLVED**

Cr Regan / Cr Heins

That:

- A. Council submit a Planning Proposal to the Department of Planning and Environment for a Gateway determination to reclassify of Oliver Street carpark and Lawrence Street carpark in Freshwater Village from *Community Land* to *Operational Land* under the Local Government Act 1993, to rezone the carparks from RE1 – Public Recreation to SP2 – Infrastructure (carpark), and to adopt a 3 metre maximum building height control for the land.
- B. Council continues to utilise the land as a carpark in its present form.

VOTING

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

AGAINST: Crs Amon and De Luca

CARRIED

11.5 NORTHERN BEACHES LOCAL ENVIRONMENTAL PLAN

NOTE: Councillor Philpott left the chamber at 9:49pm and returned at 9:52pm

356/18 **RESOLVED**

Cr Regan / Cr Ferguson

That:

- A. Council endorses the submission of the Local Environmental Plan Review to the NSW Department of Environment and Planning for its approval.
- B. Council notes the priorities and actions for the preparation of a Northern Beaches Local Strategic Planning Statement and Local Environment Plan contained in the Review.
- C. Council approves the preparation of a Council-wide Local Strategic Planning Statement.

VOTING

FOR: Unanimous

CARRIED

12.0 NOTICES OF MOTION

12.1 NOTICE OF MOTION NO 61/2018 - MANLY SWIMMING CLUB

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

357/18 **RESOLVED**

Cr Grattan / Cr Ferguson

That Council sponsor the Manly Swimming Club's Invitational Swim Meet on 18 November 2018 by:

- A. Waiving the fees for the hire of the Manly Andrew Boy Charlton pool.
- B. Providing a pool staff member to operate the electronic timing system.

VOTING

FOR: Unanimous

CARRIED

12.2 NOTICE OF MOTION NO 62/2018 - CLAUSE A16.5 OF THE DISTRICT PARK TENDER

NOTE: Councillor Daley left the chamber at 10:00pm due to a declared pecuniary interest in this item.

358/18 RESOLVED***Cr Sprott / Cr Amon***

That:

- A. Council note that the District Park tender Clause 16.5 states that Council may publish the identities of all tenderers but will not disclose other information included in an unsuccessful tender, and that this is usual procedure for tenders in order to protect confidential commercial information
- B. In the interests of transparency Council write to the three top ranked tenderers of the District Park Lease tender and ask to be released from clause A16.5 so the tender details can be made public.
- C. Council recognises there may be some elements such as intellectual property and commercial financial information that may need to be kept private and confidential and as such acknowledges tenderers may wish to redact information that is crucial to their business model.
- D. Should the permission noted in B be received, and in accordance with C, that Council then publish the details of the tender submission/s to show an open and transparent tendering process

VOTING

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

AGAINST: Cr Philpott

ABSENT: Cr Daley

CARRIED**12.3 NOTICE OF MOTION NO 63/2018 - SAFER ROADS AROUND OUR SCHOOLS**

NOTE: Councillor Daley returned to the chamber at 10:05pm.

359/18 RESOLVED***Cr Sprott / Cr Regan***

That:

- A. Staff prepare a report for Council on measures to improve pedestrian safety around our schools, including consideration of a program traffic and pedestrian safety inspections around all the schools in the Local Government Area to identify current and future traffic safety issues taking into account the future growth areas and changing traffic conditions of the Northern Beaches.
- B. This be reported to Council within three months.

- C. The report focuses on prioritising particular areas of concern based on risk for students and pedestrians.

VOTING

FOR: Unanimous

CARRIED

12.4 NOTICE OF MOTION NO 64/2018 - CASTLE DRUMMING CONCERNS

NOTE: Councillor Amon withdrew this item.

12.5 NOTICE OF MOTION NO 65/2018 - REZONING OF PARCELS OF LAND, MANLY WARRINGAH MEMORIAL PARK

NOTE 1: Councillor Ferguson left the chamber at 10:08pm and returned at 10:11pm.

NOTE 2: Councillor Amon left the chamber at 10:08pm and returned at 10:11pm.

360/18 RESOLVED***Cr Bingham / Cr Regan***

That:

- A. Council prepare a Planning Proposal to rezone the five lots owned by Sydney Water and the Crown at the north east corner of the intersection of Wakehurst Parkway and Kirkwood Street in Allambie Heights/Seaforth, from Low Density Residential (R2) to Public Recreation (RE1) under the Warringah Local Environmental Plan 2011. The five lots consist of:
- a. Three Crown land lots:
 - i. Lot 76 DP 504237
 - ii. Lot 77 DP 504237
 - iii. Lot 2 DP 710023.
 - b. Two Sydney Water lots:
 - i. Lot 1 DP 710023 – bushland site (surplus land)
 - ii. Lot 1 DP 835123 – with water tower (reservoir).
- B. Council prepare a Planning Proposal to rezone two lots owned by the Crown in the vicinity of King Street and Wandella Rd from Low Density Residential (R2) to Public Recreation (RE1) under the Warringah Local Environmental Plan 2011. The two lots are identified as:
- a. Lot 7370 DP 1165551, being land adjoining 102 King Street Manly Vale
 - b. Lot 7369 DP 1165551, Wandella Road, Allambie, south of Jenna Close.

VOTING

FOR: Unanimous

CARRIED

12.6 NOTICE OF MOTION NO 66/2018 - COLLAROY CLEARWAYS NO WAY

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

NOTE 2: Councillor Amon withdrew this item following the adoption of item 7.1.

12.7 NOTICE OF MOTION NO 67/2018 - MOBILE PHONE RADIOCOMMUNICATIONS INFRASTRUCTURE

361/18 **RESOLVED**

Cr De Luca / Cr Heins

That Council call upon the Federal Government to give Local Government the power to consult, assess and determine (at the applicant's expense) all applications for Mobile Phone Radiocommunications Infrastructure (including low impact facilities) to ensure local consultation and decision making.

VOTING

FOR: Unanimous

CARRIED

SUPPLEMENTARY MOTION

362/18 **RESOLVED**

Cr De Luca / Cr Amon

That the resolution be forwarded by the Chief Executive Officer to the Member for Warringah, Member for Mackellar and all NSW based senators to make representations on behalf of Council.

VOTING

FOR: Unanimous

CARRIED

13.0 QUESTIONS ON NOTICE

13.1 QUESTION ON NOTICE NO 13/2018 - CONDITION OF SURF CLUBS ON MANLY BEACH

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?

13.2 QUESTION ON NOTICE NO 14/2018 - THE WARRIEWOOD VALLEY LAND RELEASE

Submitted by: Councillor Alex 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?

14.0 RESPONSES TO QUESTIONS ON NOTICE

14.1 RESPONSE TO QUESTION ON NOTICE NO 12/2018 - CAPITAL EXPENDITURE AND RENT RECEIVED FOR THE CAFE IN THE COUNCIL OWNED "BUPA" BUILDING

Submitted by: Councillor Stuart Sprott

QUESTION

1. Could I please have the total capital expenditure and rent received to date for the cafe in the Council owned 'Bupa' building also known as the old Seaforth TAFE site.
2. Could Council please present the ROI or return on investment to council at the next Council meeting.

RESPONSE

The re-development and long term lease of the former Seaforth TAFE site was a project embarked on by the former Manly Council. After entering into a long term 99-year lease with Bupa for the entire site Manly council entered into a 99-year sub-lease for the Seaforth Village Community Centre portion of the site.

Approximately \$1,000,000 was spent on the development and fitout of the Seaforth Village Community Centre, cafe and adjacent office space provided to the Australian Doctors International organisation.

Prior to completion of the building a commercial leasing agent was asked to investigate the interest in leasing the site as a café and advised that there was no interest, partly due to the unknown activation timeline of the rest of the site. In an attempt to enliven the Seaforth Village Community Centre and meet Council's undertaking to provide a café space for Bupa guests and patients, a short term licence for the café space at Seaforth Village Community Centre was put out for operators.

A suitable operator was sourced that could bring a portable coffee cart to the site that Council had fit out as a warm shell. Given there were some delays in the final completion of the site the new licence did not commence until after the amalgamation to the Northern Beaches Council. The 11-month term was undertaken by Dieter Steinbush, Sole Director of Fiftysixclarence Pty Limited and traded as Hipwood Café. The initial licence term was 1 July 2017 to 31 May 2018 and annual rent was set at 15% of profit. The Café did not run at a profit during the initial 11-month lease term. Given the losses Mr Steinbush was suffering, he employed Christine Alcorn to run the café while he went back to run to his profitable café in the city. Dieter gave the relevant notice and ended his licence agreement with council on 31 May 2018.

In May 2018 Council was actively reviewing the best future use of the Seaforth Village Community Centre site. Given this uncertainty, it was decided that a tender process for a long term retail lease was still not appropriate.

The employee running the café for the last months of the previous licence term advised she would like to stay on as she had established a client base with the Bupa patients and community and would be happy to keep the café operating to give Council time to conduct a formal tender process. Notification of Council's intention to offer a 12 month licence to the new operator was undertaken with just one submission with concerns over plastic straws and utensils which was addressed. A 12 month licence commenced 1 June 2018 to 31 May 2019 with annual rent of \$5,214.24 + GST plus garbage removal costs. The new café is trading under the name of Grassroots Canteen and the only change to the fit out is a portable removable bench supplied by the tenant in place of the portable coffee cart supplied by the previous tenant.

It is council's intention to undertake a formal EOI / tender process for the site once the future of the site has been fully clarified.

15.0 CONFIDENTIAL MATTERS – CLOSED SESSION

NOTE 1: At 10:21pm 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 15.3 RFT 2018/062 - Renewal and Recycling of Residential Waste Bins 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 the Tender for replacement of residential waste bins 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 prejudice the commercial position of the organisation(s) who supplied it.

- b Item 15.6 Consideration of Potential Land Purchase 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].*

This report discusses a potential land dealing between Council and a private landholder 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 could provide a commercial advantage to the owner of the land and potentially disadvantage Council's position in negotiations.

- c Item 15.7 Organisation Structure 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].*

This report discusses personnel matters 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.

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

363/18 **RESOLVED**

Cr Regan / Cr Bingham

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 11:10pm 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.

15.3 RFT 2018/062 - RENEWAL AND RECYCLING OF RESIDENTIAL WASTE BINS

364/18 **RESOLVED**

Cr Warren / Cr Regan

That:

- A. Council note that renewing all residential bins in July 2019 is the lowest cost overall option due to the age and condition of the existing bin stock, representing a saving of over \$1.155M in today's terms.
- B. Council accepts the offer from SULO MGB Australia Pty Ltd for RFT2018/062 – Replacement of Residential Waste Bins for the sum of \$12,044,130 excluding GST to renew residential waste bins, with new bins containing 20% recycled content, and recycle all recovered old.
- C. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

VOTING

FOR: Unanimous

CARRIED

15.6 CONSIDERATION OF POTENTIAL LAND PURCHASE

365/18 **RESOLVED**

Cr Amon / Cr McTaggart

That:

- A. Council authorise all actions set out in Table 1 of this report.
- B. Council subject to the satisfactory completion of the actions authorised in A, authorise the purchase the lands the subject of this report.
- C. Council delegate to the Chief Executive Officer the authority to do all things necessary to give effect to this resolution.

VOTING

FOR: Unanimous

CARRIED

15.7 ORGANISATION STRUCTURE

NOTE 1: With the exception of the Chief Executive Officer and Governance Officer, all staff were asked to leave the chamber whilst item 15.7 was considered.

NOTE 2: Councillor Warren left the meeting at 10:35pm.

366/18 RESOLVED

Cr McTaggart / Cr Ferguson

That Council proceed with the proposed new organisation structure of six Directors (Level 2), as outlined below, reporting to the Chief Executive Officer with funding provided by recruitment savings in the current 2018/19 budget:

- Director Environmental Sustainability
- Director Community and Belonging
- Director Corporate and Legal
- Director Workforce and Technology
- Director Transport and Assets
- Director Planning and Place.

VOTING

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

AGAINST: Cr De Luca

ABSENT: Cr Warren

CARRIED

The meeting concluded at 11:14pm.

This is the final page of the minutes comprising 34 pages
numbered 1 to 34 of the Ordinary Council Meeting
held on Tuesday 27 November 2018 and confirmed on Tuesday 18 December 2018

Mayor

Chief Executive Officer